



CITY OF NEWPORT BEACH PARKS, BEACHES & RECREATION AGENDA

CITY COUNCIL CHAMBERS @ CIVIC CENTER
100 Civic Center Drive
TUESDAY, February 4, 2014– 6PM

PB&R Commission Members:

Tom Anderson, Chair
Ron Cole, Vice Chair
Kathy Hamilton
Laird Hayes
Walt Howald
Roy Englebrecht
Marie Marston

Staff Members:

Laura Detweiler, Recreation & Senior Services Director
Sean Levin, Recreation Superintendent
Mike Pisani, Acting Municipal Operations Director
Teri Craig, Administrative Assistant

1) **CONVENE MEETING OF THE PARKS BEACHES & RECREATION COMMISSION TO ORDER**

2) **ROLL CALL**

3) **NOTICE TO THE PUBLIC**

Public comments are invited on agenda items generally considered to be within the subject matter jurisdiction of the PB&R Commission. The City provides a yellow sign-in card to assist in the preparation of the minutes. The completion of the card is not required in order to address the PB&R Commission. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The PB&R Commission has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

4) **PRESENTATION OF THE COMMUNITY SERVICE AWARD — Newport Theatre Arts Center Board of Directors**

5) **CONSENT CALENDAR**

All matters listed under **Consent Calendar 5A-5D** are considered by the PB&R Commission to be routine and will all be enacted by one motion in the form listed below. The Commission Members have received detailed staff reports on each of the items recommending approval and there will be no separate discussion of these items prior to the time the Commission votes on the motion unless members of the Commission, staff, or the public request a specific item to be discussed and/or removed from the Consent Calendar for separate action. Members of the public who wish to discuss a Consent Calendar item should come forward to the lectern upon invitation by the Chair.

A. **Minutes of the December 3, 2013 meeting.**

Recommendation: Waive reading of subject minutes, approve and order filed.

B. **Parks & Operations Division Activity Report.**

Recommendation: Receive/file Activity Report.

C. **Recreation & Seniors Services Activity Report.**

Recommendation: Receive/file Activity Report of past and upcoming projects and events.

D. **Picnic Table & Barbeque Grill Donation — Corona del Mar State Beach**

Recommendation: Approve donation of three (3) picnic tables and two (2) barbeque grills at the Corona del Mar State Beach park area in memory of Howard Hugh Love by Gordon Glade.

This Parks, Beaches & Recreation Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Parks, Beaches & Recreation Commission agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Parks, Beaches & Recreation Commission and items not on the agenda but are within the subject matter jurisdiction of the Parks, Beaches & Recreation Commission. The Parks, Beaches & Recreation Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the Parks, Beaches & Recreation Commission Secretary at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3151 or recreation@newportbeachca.gov.

6) CURRENT / NEW BUSINESS – Staff Report

A. Blackball Regulations Review and Recommendations

Recommendation: Consider recommendation of the Blackball Working Group to rescind Resolution No. 95-116 and; review and forward draft Resolution No. 2014-__ to City Council for their approval.

B. Special Tree Removal — Groves Bike Trail

Recommendation: Consider request of MOD Staff to remove one (1) City Special Blue Gum – Landmark Tree and replaced with a Coast Live Oak Tree. This tree is recommended to be removed to mitigate potential tree failure due to sulfur fungus conks and root decay.

C. Bench Donation — Grant Howald Passive Park

Recommendation: Consider donation of bench to be installed at Grant Howald Passive Park for Willard & Gayle Courtney by Ken Schwarz.

D. Denial of Tree Removal Request Appeal — 2113 Seville Avenue

Recommendation: Consider request of MOD staff to deny appeal of Ann Kenowsky to remove a City Southern Magnolia tree at 2113 Seville Avenue.

E. Request by Newport Beach Elite Baseball for Temporary Lights at Coastal Peak Park

Recommendation: Consider request from Newport Beach Elite Baseball to use portable temporary lights in the batting cages from February 17 – March 9 and November 2 December 12 from dusk to 6pm, weekdays only.

6) PARKS, BEACHES & RECREATION COMMISSION / STAFF ANNOUNCEMENTS, AD HOC UPDATES OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

7) PUBLIC COMMENTS ON NON-AGENDA ITEMS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the PB&R Commission. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The PB&R Commission has the discretion to extend or shorten the speakers' time limit on non-agenda items, provided the time limit adjustment is applied equally to all speakers.

8) ADJOURNMENT

CITY OF NEWPORT BEACH

Parks, Beaches & Recreation Commission Regular Meeting December 3, 2013 – 6pm

1) CONVENE MEETING OF THE PARKS BEACHES & RECREATION COMMISSION TO ORDER – 6:09 p.m.

2) ROLL CALL

Present: Tom Anderson, Chair
Ron Cole, Vice Chair
Kathy Hamilton
Walt Howald
Marie Marston

Absent: Roy Englebrecht

Staff: Laura Detweiler, Recreation & Senior Services Director
Mike Pisani, Deputy Municipal Operations Director
Teri Craig, Administrative Assistant

3) NOTICE TO THE PUBLIC

4) CONSENT CALENDAR

A. Minutes of the November 5, 2013 regular meeting.

Recommendation: Waive reading of subject minutes, approve and order filed.

B. Parks & Operations Division Activity Report.

Recommendation: Receive/file monthly Activity Report for activities and upcoming projects.

C. Recreation & Seniors Services Activity Report.

Recommendation: Receive/file Activity Report for activities for past and upcoming projects and events.

Motion by Commissioner Marston: seconded by Commissioner Howell, to accept items 4A – 4C of the Consent Calendar. Motion carried by acclamation.

5) CURRENT / NEW BUSINESS – Staff Report

A. Special Tree Removal – 554 Hazel Drive

Recommendation: Consider request of MOD Staff to remove one (1) City Special tree – Neighborhood Eucalyptus (Desert Gum) tree located at 554 Hazel Drive on Poppy Avenue due to the locations of the water main and gas meter lines. Tree would be replaced with an Australian Willow due to the unavailability of the designated street tree ten feet south of the current location.

Deputy Director Pisani presented details of the report addressing location, type of tree. He noted that the request for removal is due to curb and gutter damage; documentation was submitted by the property owner regarding sewer line issues related to the tree, drain-cleaning and sewer

repair expenses incurred by the property owner. He added that the replacement tree would be planted approximately ten (10) feet from the existing tree to not interfere with sewer lines.

Commissioner Marston noted that the property is at 554 Hazel Drive but all the repair work is listed on Poppy Avenue and asked whether it relates to the same property.

Deputy Director Pisani explained that the tree is on the border of 554 Hazel Drive and 612 Poppy Avenue.

Commissioner Marston inquired regarding the differing recommendations.

Deputy Director Pisani explained that earlier, there had been no evidence of the sewer repairs conducted but once the documentation was received staff changed its recommendations. It was noted that although much of the sewer repair involved wipes and hair, the sewers were also affected by the roots of the tree.

Chair Anderson opened the public discussion.

Ed Elowe, 612 Poppy, stated that he made the request due to numerous sewer problems over the years. He expressed concerns that when the tree and roots are removed, that the sewer lines not be damaged in the process.

Chair Anderson closed the public discussion.

Deputy Director Pisani explained that if damage to the sewer line occurs upon removal of the tree, the City would be responsible to repair it, up to the property line.

Motion by Commissioner Hamilton; seconded by Chair Anderson, to approve removal of the tree located at 554 Hazel Drive on Poppy Avenue due to the locations of the water main and gas meter lines. Motion carried by acclamation.

B. Special Tree Removal — 535 Hazel Drive

Recommendation: *Consider request of MOD Staff to remove one (1) City Special tree – Neighborhood Eucalyptus tree located at 535 Hazel Drive due to conflicts with homeowner's driveway and replaced with an Australian Willow due to the unavailability of the designated street tree ten feet south of the current location.*

Deputy Director Pisani presented details of the report addressing location, type of tree, termite damage and decay, efforts to preserve the tree and recommendations.

In response to Commissioner Marston's inquiry, Deputy Director Pisani addressed the specific tree recommended for removal.

In reply to Commissioner Howald's question, Deputy Director Pisani reported that termite infestation occurs in various types of trees and that this is the first time that a removal of a tree is recommended because of termite infestation and that in terms of the specific tree, it has also experienced decay and stated that there is no hope in saving the tree.

Chair Anderson stated he was unaware that termites attacked live wood.

Commissioner Marston commented on other trees on Poppy that have been significantly pruned and expressed concerns with the growth of the replacement tree into existing electrical lines. She suggested the possibility of selecting a tree that grows to a shorter height.

Deputy Director Pisani stated that it would be a significant amount of time for the tree to reach a height where it would reach the electrical lines and commented that by then, the utilities may be undergrounded.

Chair Anderson opened the public discussion.

Carol Rush stated that the tree on the north side of the residence was previously removed for the same reason noting that there is a problem with termite infestation. She added that the tree set for removal is not yet marked adding that both of the trees on the property are infested.

Deputy Director Pisani reported that the northern-most, smaller tree is the one to be removed as it has both termite infestation and decay.

Ms. Rush reported that both trees on the property need to be removed.

Jim Mosher stated that the Australian Willow is not the currently-designated tree for the subject street tree. He added that everyone on Poppy will be affected by the policy change and that they should have an opportunity to speak on the matter.

Mrs. Elowe, 554 Hazel, stated that she lives directly across the street from a childcare center and expressed concerns with public safety related to the surrounding trees. She stated that there is another eucalyptus tree close to Poppy, which should also be removed and went on to say that she would like to see a consolidated, organized approach to assessing all the trees on Poppy Avenue.

Chair Anderson closed the public discussion.

Commissioner Marston commented that she had asked staff several months ago, to do a consolidated review of the trees on Poppy.

Deputy Director Pisani reported that staff is currently working with Public Works to survey the trees on the 200 and 300 blocks of Poppy.

Vice Chair Cole inquired about the process going forward in terms of the Commission evaluating the completed survey.

Deputy Director Pisani commented on the initial study being conducted, including private property issues, and stated that it will take several months to complete.

Commissioner Hamilton commented on the depth of the parkways and wondered if the Australian Willow will be considered for other areas of the street. She noted that it appears to be a trend.

Deputy Director Pisani reported that the tree looks like the eucalyptus tree and staff is trying to keep a consistent look on Poppy.

Commissioner Howald commented on the ultimate height of the proposed tree and expressed concerns that the tree would need to be reconsidered in the future because of possible growth

into utility wires. He asked about the research and obtaining a report on G-1 Policy changes in relation to the trees.

Deputy Director Pisani explained that choice of trees is related to Policy G-6, that the City's new tree contractor is working with staff to resolve the issues and that the Commission should be receiving a report during the first part of next year. He added that issues with Policy G-1 will be addressed in the future.

Commissioner Howald expressed concerns about having a consistent policy regarding replacement trees.

Discussion followed regarding future consideration by the Ad Hoc Committee, the Commission and Council of the types of trees to use as replacements on Poppy.

Deputy Director Pisani addressed the estimated time for the replacement trees to grow at specific heights.

Commissioner Howald hoped that a policy changes will be developed soon, taking into account tree heights and possible effects on sewers and power lines.

Commissioner Marston reiterated that the study on Poppy should be the entire length of the street, not just certain blocks. She indicated support for removal of the subject tree but expressed concerns that the replacement tree looks like eucalyptus since many of the eucalyptus trees are being removed. She added that staff should look at using a different replacement tree.

Chair Anderson agreed that the tree needs to be removed but indicated there should be no rush in replacing it until a designated tree is chosen. He reminded members that the Commission can only act on matters on the agenda.

Director Detweiler asked for the Commission specific expectations regarding the tree study on Poppy.

Commissioner Marston stated that the trees should be inventoried as to their health as well as related safety concerns. Depending on the results, an assessment could be made regarding the type of replacement tree to plant. She stated that many of the trees are problematic and will continue to come before the Commission.

Discussion followed regarding the need to update the list of designated replacement trees for specific trees, with at least three choices.

Commissioner Howald agreed that an analysis should be conducted with consideration of all the trees on Poppy.

Motion by Chair Anderson: seconded by Commissioner Marston, to approve the removal of one (1) City Special tree – Neighborhood Eucalyptus tree but to defer its replacement subsequent to the result of staff analysis as reported in the near future. Motion carried by acclamation.

C. Reforestation — 1946 Port Edwards Place

Recommendation: *Consider request of MOD Staff to reforest one (1) City Carrotwood street tree located at 1946 Port Edwards Place and replaced with the designated Golden Rain street tree.*

Deputy Director Pisani presented the staff report addressing location, denial of initial request by staff and actions by the Homeowners Association. He stated that currently there are no curb and gutter issues that would justify removal of the tree by the City. He reported that the tree would be replaced with the designated Golden Rain street tree at the property owner's cost.

Commissioner Hamilton commented on the type of trees in the area.

Director Pisani stated that the Carrotwood is the designated street tree in the area but that it is a problematic tree per the City's G-1 Policy.

Chair Anderson confirmed that the initial request for removal was denied.

Discussion followed regarding Homeowner Associations' reforestation approval process.

Chair Anderson opened the public discussion.

Jim Mosher wondered if the City notified neighboring residences regarding the action and pointed out that it takes time to grow a tree of this size and noted the differences in value regarding the existing and replacement trees and questioned if it would be in the public interest to approve the reforestation.

Chair Anderson closed the public discussion.

Motion by Commissioner Marston: seconded by Vice Chair Cole, to deny the request of MOD Staff to reforest one (1) City Carrotwood street tree located at 1946 Port Edwards Place and replaced with the designated Golden Rain street tree. Motion carried by acclamation.

D. Bench Donation — 19th Street / West Ocean Front

Recommendation: *Consider bench donation request of Bill Bennett to be located along West Ocean Front at the 19th Street end in memory of Walter D. K. Gibson III.*

Deputy Director Pisani presented details of the staff report noting that a request was made by Bill Bennett to donate a bench to be located along West Ocean Front at the 19th Street end, in memory of Walter D. K. Gibson, III. He added that Mr. Bennett is willing to pay for the full cost of the bench in addition to a 10% maintenance fee as required by Council Policy B17. He addressed the location and noted that it is in an area where it will be well-used by residents and visitors.

Commissioner Marston asked about the placement of the bench.

Deputy Director Pisani reported that it would be placed on a four by six concrete pad which is included in the cost.

Chair Anderson opened the public discussion.

Carol Martin reported that her view is within the proposed location of the bench. She inquired as to the process by which the City chooses the location for donated benches. She stated that this is a good example of the need for local input and added that this particular location is very impacted because of the City's inability to police existing problems and that it poses a safety concern. She reported blood spots from last summer that the City has not removed and noted multiple accidents in the area. Ms. Martin expressed concerns with possible litigation against the City because of same and access to the boardwalk on 19th Street by accident risks by cyclists.

Jim Mosher commented on existing benches in the area and suggested consideration of the location of the proposed donation in relation to them adding that it would be nice if they were uniformly spaced.

Chair Anderson closed the public discussion.

In response to Vice Chair Cole's inquiry regarding how the site was chosen, Director Pisani reported that there is a list for benches in parks but not one for benches on the beach.

Vice Chair Cole commented on challenges with accidents related to the existing curb near the proposed location for the donated bench.

Deputy Director Pisani reported that the pad goes out onto the beach and will not take width away from the ocean front sidewalk. Pedestrian or bicycle traffic will not be affected.

Motion by Chair Anderson: seconded by Commissioner Marston, to approve the bench donation request of Bill Bennett to be located along West Ocean Front at the 19th Street end in memory of Walter D. K. Gibson III. Motion carried by acclamation.

6) PARKS, BEACHES & RECREATION COMMISSION / STAFF ANNOUNCEMENTS, UPDATES OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

Deputy Director Pisani reported the retirement of Municipal Operations Director Mark Harmon. He added that at the November 12, 2013 Council meeting, City Council approved a contract with a new vendor for tree services — Great Scott Tree Service and will begin work December 4, 2013. He added that their level of service is very high.

Director Detweiler reported that Santa Claus would be at the Newport Coast Community Center on December 6 at 9:30am. She reported that City offices and community centers will close at noon on December 24, 2013 and will reopen on January 2, 2014. She thanked each staff member and members of the Commission for their work this year and wished everyone a Happy Holiday.

Chair Anderson announced an upcoming meeting of the Youth Sports Commission. He asked about status of adult sports resident/non resident tracking. Director Detweiler reported that the process has been delayed but that staff will address it.

Commissioner Howald asked about the possibility of staff providing information on the trees on Poppy Avenue from 5th to the Ocean and noted that he like to see it on the agenda as soon as possible.

Commissioner Howald commented on the denial of reforestation considered earlier in the meeting and suggested communicating with the Homeowner's Association to discuss possible replacements.

It was noted that the issue of Blackball would be addressed at either the February or March, meeting.

7) PUBLIC COMMENTS ON NON-AGENDA ITEMS

Jim Mosher commented on the resignation of former Commissioner Tingley and retirement of Director Harmon and stated that he would expect the City to be actively looking for a

replacement but no such opening is indicated in the City's website. Mr. Mosher also addressed comments made by Council Member Gardner that the Commission was working on an Urban Forest Master Plan to be presented to Council. He suggested the possibility of contracting with a nursery or growing desired trees to ensure their availability and size when needed.

8) ADJOURNMENT @ 7:09 p.m.

Submitted by:

Teri Craig, Admin Assistant

Approved by:

Tom Anderson, Chair



CITY OF

NEWPORT BEACH

PB&R Commission Staff Report

Agenda Item No. 5B
February 4, 2013

TO: Parks, Beaches & Recreation Commission

FROM: Municipal Operations Department
Mike Pisani, Deputy Municipal Operations Department Director
949 644-3055, mpisani@newportbeachca.gov

TITLE: November and December Activity Report – Parks and Trees, and Operations Support Divisions

PARKS MAINTENANCE:

Parks Maintenance Division staff continues working with the Public Works and Recreation and Senior Services Departments on numerous projects that are in the planning and construction phases.

Cub Scout Tree Planting at Eastbluff Park

Recently, Parks Maintenance Supervisor Kevin Pekar and Parks Maintenance Crew Chief Kim Pederson coordinated a tree planting project with a local Cub Scout troop in Eastbluff Park. The scouts were able to secure the donation of a 24-inch box Coast Live Oak tree from Roger's Gardens, in Corona Del Mar. The tree will be a welcome addition to the Park, enjoyed for many years to come.



OPERATIONS SUPPORT:

King Tide Event

A high tide series started on Thursday, December 26th and ran through the New Year. At 8:21 a.m. on New Year's Day the tide reached its 8.1' peak, 1.0' above the tidal chart

prediction. To manage the tides during the holiday season, staff members operated portable and stationary pumps throughout Newport Peninsula and Balboa Island, pumping down flooded street ends during the early morning hours.

As the tide rises to these heights, we continue to learn the level where private and public seawalls leak due to cracks, being too low, or where they abut other seawalls in the harbor. Staff members are to be commended for their work to keep the City as dry as possible during tides of this magnitude, great job to all involved.

TREES:

As part of the City's overall grid and annual trimming schedule, the City's tree service contractor pruned trees within the Newport Heights, Balboa Peninsula, Balboa Island, and Newport Coast areas. Additionally, annual pruning of Palm trees are occurring throughout the City.

<i>Month of:</i>	<i>Trees Trimmed:</i>	<i>Trees Removed:</i>	<i>Trees Planted:</i>
November	2,340	10	44
December	1,511	2	2

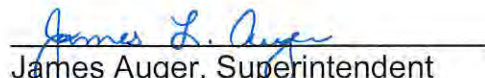
Significant Tree Planting

From July to December 2013, a total of 230 trees were planted throughout the city. The trees are a welcome addition to the neighborhoods, and staff will continue to plant trees to fill vacant sites throughout the city. Our goal is to plant an additional 270 trees with a grand total of 500 trees planted by the end of the fiscal year.

Prepared by:



Dan Sereno, Superintendent
Parks and Trees Division



James Auger, Superintendent
Operations Support Division

Recreation Services Monthly Activities Report

To: Parks, Beaches & Recreation Commission

From: Sean Levin, Recreation Superintendent
Celeste Jardine-Haug, Senior Services Manager

Re: Recreation & Senior Services Department Monthly Activities Report



Breakfast with Santa

On December 6, the Department hosted its first ever *Breakfast with Santa* event at the Newport Coast Community Center. Decked out head to toe in holiday décor, the Center welcomed over 100 kids and adults of all ages. Participants enjoyed breakfast, played games, made crafts and had their picture taken with Mr. & Mrs. Claus. Santa's Little Helpers are looking forward to next year's event!

Holiday Cheer Brings Memorable Show

On December 18, OASIS held a holiday show that featured singing, dancing and acting by the children and teens of Center Stage Studios. Some of the performances were chosen from Cole Porter, several Broadway shows and "White Christmas." The crowd of two hundred was filled with excitement and holiday spirit.



Holiday Outreach Programs at OASIS

The holidays are about reaching out to others and helping the less fortunate. OASIS, with the help of its members, collected 18 handmade lap robes and donated them to a nursing home for the residents who may not have family to receive holiday gifts from. The seniors of OASIS also made and donated 33 hats to SPIN (Serving People In Need) for people living on the street. An annual food drive was also held and 15 cases of food were sent to SOS (Share Our Selves) for their clients. Lastly, with the generous donation of \$400 from the OASIS Duplicate Bridge Group to 23 seniors, who can no longer attend activities due to unforeseen circumstances, were able to receive some holiday cheer. Those seniors received a beautiful canvas tote bag filled

with an assortment of goodies, a beautifully packaged box of cookies and a handmade lap robe along with a friendly visit. They were all delighted for the company and thrilled at being remembered during this time of year.

Welcome to the Recreation & Senior Services Department and City

Brason Alexander joins us as the new Recreation Coordinator for contract classes and special events. Brason comes to us from Tacoma, Washington with over 10 years experience in the recreation industry. Brason played basketball for the University of Puget where he received his Bachelors degree. In his spare time, Brason enjoys spending time with his wife and two children, as well as, playing guitar and staying active.

Molly Patience joins us as the new Sports Coordinator from City of Los Alamitos where she worked for two years running youth and adult sports leagues. She graduated from San Diego State University with a Bachelors Degree in Psychology and a Minor in Recreation. She is completing her Masters Degree in Recreation Administration at CSU Long Beach. In her free time, Molly likes to hike, rock climb and hang out with her pup, Marshall.

Josh Weinik, the new Marine Naturalist Interpreter, has a B.S. in Marketing. Josh is currently working toward a Masters' degree in Environmental Studies at Cal State Fullerton, focusing on community-based conservation efforts. Most recently, Josh worked for Heron's Head Park and EcoCenter in San Francisco where he conducted habitat restoration projects. In his free time Josh likes to surf, fish, and volunteer on habitat restoration projects.

The Department is very excited to have Brason, Molly and Josh join the team!



Brason Alexander
Contract Class Coordinator



Molly Patience
Sports Coordinator



Josh Weinik
Marine Naturalist Interpreter



Aquatic Training Comes in Handy

Laura Soukup, one of the pool swim instructors/lifeguard, shared how she utilized her First Aid and Lifeguard Training outside of work:

"Just wanted to send a little email and let you know all of my training really came in handy today. I was turning onto Lido and there had just been a motorcycle accident and I immediately got out of my car and checked all of his injuries, found out he had hit his head and did the c-spine stabilization. Once the Fire Department got there I told them everything that I knew about what had happened since I had gotten there and then they took over stabilization. There were nurses there, but they didn't seem to know anything, I had to take over the scene until more advanced medical personal got there."

Good job, Laura! Keep up the great work!

West Newport Park

In December four tennis, four handball, and one basketball court was resurfaced at West Newport Park. These courts are some of the most popular, heavily used courts in the City. The regular users got an early Christmas present and will now enjoy the refurbished courts.



Annual Wine & Cheese Social

OASIS held the Annual Wine and Cheese Social on January 15 at in the Evelyn Hart Event Center. In addition to the delicious wine and cheese, What a pleasure it was to have Mayor Rush Hill in attendance at the special event.

Thank You MOD!

With the lifeguard headquarters under construction, the Recreation department needed help finding a way to store program surf boards and wetsuits. Endless Sun Surf School teaches classes for the Newport Elementary ACE program and needed easy access to their equipment while construction is underway. The Department reached out to Joe Delgado, who helped find the right container. Joe and Mike helped by first leveling out the sand, then moved a several ton box to a corner, and created a barrier to protect it during high tide. The temporary storage will remain up until the lifeguard headquarter renovations are complete.



Youth Sports Commission Policy Study Group

Staff from Recreation and the Parks Divisions along with Parks, Beaches and Recreation Commissioner Anderson met with the Youth Sports community on January 22 marking the first of several meetings to review the three field allocation documents related to youth sports organizations and determine the most appropriate way to consolidate them into a comprehensive document. A finalized document is planned for Parks, Beaches & Recreation Commission review before the fall Allocation Meeting in June.

Welcome Back Hangtime Sports!

Hangtime Sports was re-selected as the Adult Basketball league contractor for the 2014 basketball season. Hangtime Sports went through the RFP process after the scope of services was restructured to emphasize more city staff involvement with league issues and improved customer service with participants. Over the last year, Hangtime Sports has developed a rapport with teams and increased the quality of the league and its officiating. The Department is excited to bring Hangtime Sports back and work with them to develop the basketball programming.

Marine Protection Welcomes Shayna

Shayna, the new program coordinator, received her B.S. in Biology from Scripps College, and will soon add a M.S. from CSU Fullerton, where she is studying the impact of traffic noise on the behavior and communication of Anna's Hummingbird.

Shayna has been working for the City of Dana Point for the last couple years and will be there through May as a Water Quality Intern. She spends most of her time at the Nature Interpretive Center talking to visitors, overseeing an amazing group of volunteer docents, and developing interpretive displays. In years past, Shayna has worked at the Seymour Center, a small aquarium in Santa Cruz, staffing the touch tank and creating exhibits.

Shayna is passionate about public science education, and is thrilled to bring her enthusiasm to learners of all ages!

Park Patrol

Requested calls are assigned visits by staff or schedule or phone requests. Customer Contacts are the number of times they stopped and spoke to customers other than requested calls. Due to the timing of the meeting, these monthly summaries will be two months behind (i.e. in June you will receive April summary). During the month of November/December Park Patrol had the following number of contacts:

1. REQUESTED Calls

- 74 with Youth Sports Groups
- 59 Field related issues/checks
- 4 Park/Picnic/reservation issues/checks
- 78 Community Center issues/checks
- 93 Playground checks
- 46 other
- 0 CdM Beach Contacts

2. PUBLIC CONTACTS

- 233 Education
- 3 Alcohol
- 257 Dog related
- Written Warning Issued: 11 for parking violations
- Citations Issued – 0

FACILITY RENTALS & SPECIAL EVENT PERMITS

During the period of November 16 – Jan 15, 2014 there were:

- 8 Picnic/Park Area Rentals
- 5 Room Rentals
- 1 Field Rentals
- 6 Gym Rentals
- 19 OASIS Classroom Rentals
- 9 OASIS Event Center Rentals
- 46 Civic Center Rentals

As of January 15, 2014, there were 9 Special Event Permits processed and issued for the year. Those events of note for this period are:

Fashion Island Tree Lighting – Fashion Island, 11/15-16/2013 - Attendance: 5000

Balboa Island Tree Lighting-Balboa Island, 12/1/2013, Attendance: 200

Balboa Village Tree Lighting-Palm/Balboa, 12/7/2013, Attendance: 200

CdM Xmas Walk- CdM, 11/8/2013, Attendance: 5000

Xmas Boas Parade/Fireworks- Newport Harbor, 12/18-22/2013, Attendance: 1 M

New Years Eve Party- Newport Dunes, 12/31/2013, Attendance: 500

BSC Bowl Party- Newport Dunes, 01/2-3/2014, Attendance: 500

OASIS UTILIZATION REPORT

November & December 2013

PARTICIPANTS ATTENDING		38,364 CUSTOMERS
RECREATIONAL CLASSES (Oct-Nov-Dec)		16,178 CUSTOMERS
FITNESS CENTER		10,652 CUSTOMERS
PERSONALIZED SERVICES PROVIDED		4,153 CUSTOMERS
Includes:		
Blood Pressure	51	Medical Equipment Rentals 72
Counseling-Persons	80	
Eldercare		All Rentals 23
Employment	30	Senior Assessment(hrs) 75
HICAP	51	Telephone Reassurance 333
Housing Counseling	60	Visual Screening 0
Information and Referral	3370	Taxes (Seasonal) 0
Legal Assistance	8	
SENIORS RECEIVING TRANSPORTATION SERVICES		1,988 RIDERS
Care-A-Van/Shuttle		
CUSTOMERS RECEIVING NOON MEALS @ OASIS		3,125 CUSTOMERS
*includes meals on wheels		
VOLUNTEER SERVICES PROVIDED AT THE CENTER		1,856 HOURS
Includes:	Kitchen & Home Delivered Meals	
Front Office	Travel Office	
Gift Shop	Library	
Instructors	President	
Treasurer	Vice President	
Bookkeeper	Taxes	
PARTICIPANTS IN FRIENDS OF OASIS TRAVEL		210 CUSTOMERS
<u>Day Trips</u>		
San Diego Holiday Spectacular		Palm Spring Follies 45
Spectacular	45	
Holiday Tea @		Pre Xmas Party 50
the Christmas House	31	Viejas Casino 39
SPECIAL EVENTS/SCREENINGS/LECTURES		2,058 PERSONS
Sailing, Golf, Computer		UCI Lecture: Your Medications 16
Friends, Big Band and	985	Healthy Brain Aging 170
Let's Go Trippin'		Thanksgiving Luncheon, movie, piano concert & bunco 424
Holiday Show	200	Fitness Center Social 35
Christmas Luncheon	76	Vericose Veins 25
Fitness Center Social	35	Medicare Part D Clinic 92

February 8

Pancake Breakfast @ OASI S – 9-11am for \$4

February 11

**Marina Park Ground Breaking – 4-4:45pm
18th Street & W. Balboa Boulevard**

February 19

Swing Concert @ OASI S – 3-4pm for \$5

February 22

**Reserve Upper Loop Sunset Hike – 5pm for Free
Meet at Newport Coast Community Center**

Monthly Beach Clean Up – 9am-Noon

Xontact swelsh@newportbeachca.gov for more information

February 27

Spring Registration Begins

March 8

**Marine Protected Area Hike – 9-11am
Meet at Little Corona Lifeguard Tower**

March 23

**Spirit Run – Camp Expo @ Fashion Island
Summer Camp Early Bird Registration Begins**



CITY OF

NEWPORT BEACH

PB&R Commission Staff Report

Agenda Item No. 5D
February 4, 2014

TO: Parks, Beaches & Recreation Commission

FROM: Municipal Operations Department
Mike Pisani, Acting Municipal Operations Director
949 644-3055, mpisani@newportbeachca.gov

TITLE: Picnic Tables and Park Grills Donation Request – Corona del Mar State Beach

RECOMMENDATION:

Staff recommends that the Parks, Beaches and Recreation Commission consider a request to donate three picnic tables and two barbeque grills at the Corona del Mar State Beach picnic area in honor of Howard Hugh Love.

DISCUSSION:

City Council Policy B-17 establishes criteria for parks, facilities, and recreation program donations within the City. The policy is structured to establish a fair and uniform procedure for making gifts to the City, and to make the donation process easier for staff and donors.

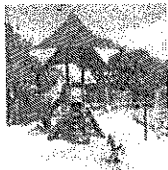
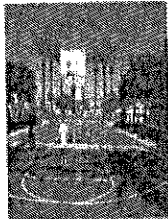
The City has received a donation request from Gordon Glade (Attachment A) to donate three picnic tables and two barbeque grills at the Corona del Mar State Beach picnic area (Attachment B). The donated picnic tables will be replacing existing tables that are nearing the end of their service life. The cost of the donation will include the 10% maintenance fee as required by Council Policy B-17. The donation request and location of existing picnic tables for replacement were approved by the Acting Municipal Operations Director.

Since the value of the donated items is greater than \$1,000.00, the donation request is eligible to receive a dedicatory plaque. The submitted plaque verbiage, which complies with City Council Policy B-17, is "Donated for Howard Hugh Love".

Attachments: A. Picnic Tables and Park Grills Donation Application
B. Donations Location map and photos



Gifts for Tomorrow Order Request Form



Item #	Description
103	3 concrete picnic tables
104	3 Bar-B-Cue Grills

for picnic area at
Corona del Mar State Beach

Contact Information

Gordon Glade for \$4000 donation

Name

5123 Oak Grove Lane

Mailing Address

Highland, Utah

801-367-2817

Phone

Signature

DEDICATION PLAQUE INFO

Donors may elect to provide a dedicatory plaque if the value of the donation is greater than \$1,000. Contact city staff for more information.

☒ Yes, I am interested in dedicatory plaque for my donation.

Plaque is donated for,

Howard Hugh Love

First Name

Last Name



Newport
Beach
GIS



0 58 117
Feet

Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2012 photos provided by Eagle Imaging www.eagleaerial.com

1/14/2014



Existing Picnic Table



Replacement Picnic Table





== CITY OF ==

NEWPORT BEACH

PB&R Commission Staff Report

Agenda Item No. **6A**
February 4, 2014

TO: Parks, Beaches, and Recreation Commission

FROM: Blackball Working Group

PREPARED BY: Fire Department
Rob Williams, Assistant Chief
949-644-3047, blackball@newportbeachca.gov

TITLE: Blackball Regulations Review and Recommendations

ABSTRACT:

The City of Newport Beach adopted Resolution No. 6347 in 1966 that created restrictions on specific uses in open water within City limits. Subsequent resolutions modified restrictions based on public opinion and professional input. There have been fourteen resolutions adopted by the City Council with the last being in 1995. Resolution No. 95-116 has worked effectively for City staff and beach visitors (see Attachment A for a Summary of the History of the Blackball Policy in the City of Newport Beach). With increasing popularity of all forms of recreational use, however, the Blackball Working Group was formed in September 2013 and tasked with evaluating and revising the current regulations to enhance public access while maintaining public safety.

RECOMMENDATION:

1. Review and forward draft Resolution No 2014-__ (Attachment B) to City Council for approval.
2. The Blackball Working Group recommends rescinding Resolution No. 95-116 (Attachment C).

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

After a comprehensive review of surfing regulations, the Blackball Working Group has reached the following recommendations:

- At any time of the year in any location, the supervising Marine Safety Watch Commander, or designee, has the authority to blackball (prohibit surfing) when an unsafe condition exists between hard board surfers and other users.
- With the exception of the areas listed below, the City of Newport Beach will generally prohibit surfing from 11:00am to 4:00pm daily from Memorial Day Weekend to Labor Day unless, in the opinion of the supervising Marine Safety Watch Commander, or designee, the conditions in the water during that period do not create a safety hazard between hard board surfers and other users:
 - Three non-blackball areas for all-access to all beach users, including, but not limited to, swimmers, body boarders, and surfers:
 - Orange Street to the city boundary at the Santa Ana River.
 - 48th Street to 56th Street.
 - A distance from 20 feet to 100 feet southeast of the Balboa Pier.
 - Surfing is prohibited in the area between 40th Street and 44th Street during all hours from Memorial Day Weekend to Labor Day.
 - The area of the Wedge is subject to special restrictions.
 - An extension of the distance at the area known as the “Wedge” from 20 feet to 600 feet from the West Jetty.
 - An adjustment to the times and dates of “no flotation device” regulations to the area known as the “Wedge” generally from 11:00 am to 4:00 pm from Memorial Day Weekend to Labor Day.

Adjust the distances of surfing Area 3 in “Little Corona” to include the area of ocean between the prolongations of Poppy Avenue and Cameo Shores Road.

The Fire and Police Departments will conduct an internal policy review to insure consistency of enforcement. This policy review will include alignment of practices and policies, public notifications, as well as Police and Marine Operational staff training.

Beginning May 1, 2014, the Fire Department, Marine Operations division will collect statistics on beach usage by swimmers, surfers, body boarders, and beach visitors, as well as information on conflicts and injuries.

Overview of Process

The Blackball Working Group was established in September 2013 to review the current municipal codes and Council resolutions regarding the regulation of surfing and flotation device restrictions. The Blackball Working Group members are:

- Ron Cole – PB&R Vice Chair
- Rob Williams – Assistant Chief, Fire Department
- Mike Halphide – Lifeguard Captain, Fire Department
- David McGill – Deputy Chief, Police Department

- Sean Levin – Superintendent, Recreation & Senior Services Department
- Racquel Valdez – Manager, Recreation & Senior Services Department

The goal of the working group was:

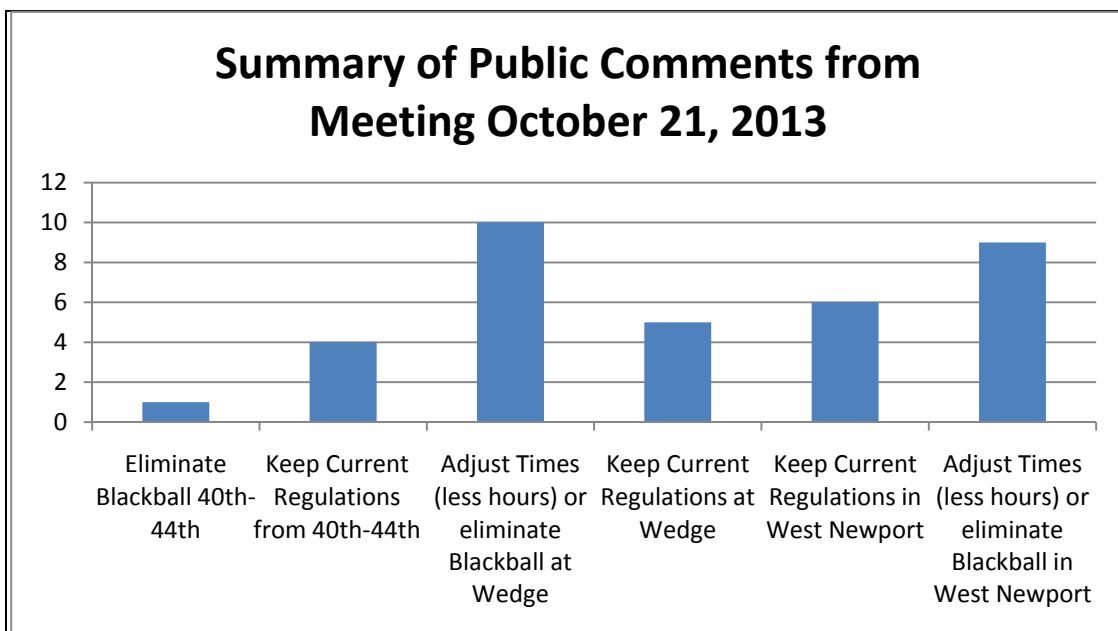
- To solicit input from the community on current blackball surfing regulations;
- To develop and discuss thoughtful, educated changes to existing rules (if any) pertaining to the dates, times and locations of Blackball; and
- To bring forth recommendations to the Parks, Beaches, & Recreation Commission for review prior to their recommendation to the City Council.

The Working Group first met on September 11, 2013, and discussed the purpose of the review and history of blackball regulation. The Working Group met again on September 24, 2013, and identified a course of action and a public outreach program. The public outreach program included the development of a City webpage, email for public comments, a community open forum and small group discussions with organized groups.

Public access to register concerns was accomplished by a special City website at www.newportbeachca.gov/blackball. The City also created an electronic mail inbox to receive public communications regarding blackball at blackball@newportbeachca.gov.

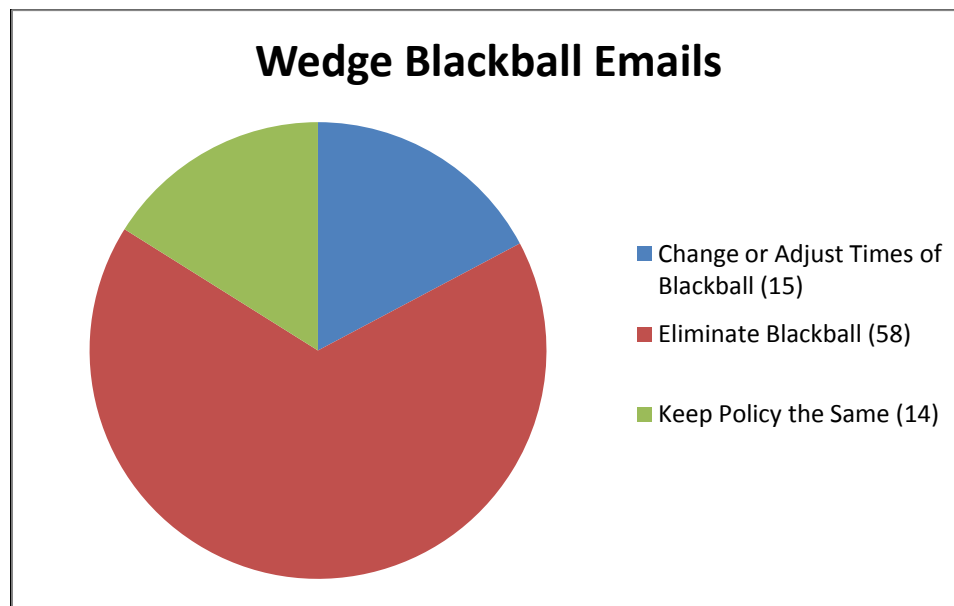
On Monday, October 21, 2013, the Blackball Working Group held a Community Forum in the Community Room located at the City of Newport Beach Civic Center. The purpose of the meeting was to gather information from the community in regards to open water usage and regulations for beach visitors.

Approximately two hundred people were in attendance. Thirty-seven (37) individuals made public comments during the meeting expressing a variety of viewpoints on blackball. Key areas of focus included discussion of the “Wedge” area, the West Newport surfing regulations, and the 40th - 44th Street blackball zone.



The blackball electronic mailbox received two hundred and two (202) pertinent messages from October 12th through January 8th. Each electronic message was categorized by constituency (Name, residency, group affiliation), location, and policy position. Messages were primarily related to the areas of the Wedge and the West Newport area. The most general trend from the public responses was for the reduction of blackball hours.

Many individuals that supported continuation of the current policy cited safety concerns, parking and traffic concerns, and issues of fairness of usage.



West Newport Communication Summary

- 105 electronic messages were received supporting the Newport Surf Council Proposal.
- Five (5) electronic messages were received in direct opposition to the Newport Surf Council Proposal.
- 12 electronic messages were received to uphold current blackball policy in West Newport.

From December 2, 2013 through January 7, 2014, three members of the Blackball Working Group (Rob Williams, Michael Halphide, and Racquel Valdez) met with various Constituent Groups.

- Homeowners Association of Newport Shores: These homeowners want what they feel are fair and consistent policies. They expressed no opposition to an “all access” area from Orange Street to the Santa Ana River. They wanted to keep the current Blackball policy from 40th to 44th Streets and potentially extend it to 48th Street or add 48th to 52nd Street as a “swimming only” area.

- Wedge4all and Skimmer Boarders: This group created an online petition hosted by *Change.org*, which garnered 3,880 responses from individual around the world. The majority of survey respondents advocated a reduction in blackball hours at the Wedge to allow access for people involved in the sport of skim boarding. They proposed specific use periods for all users at the Wedge, including exclusive but separate use for body surfers, body boarders, skim boarders and surfers.
- Newport Surf Council: This group consisted of residents and local business owners from the surfing community. Their primary objective was to expand areas open to surfing in the West Newport area and to reduce the dates/hours of blackball from 40th to 44th street. This group also advocates for more discretion and flexibility by lifeguard staff.
- Body Boarders from the Wedge: This group wanted more equity at the Wedge for all users. They proposed to reduce hours and dates for no flotation devices at the Wedge. They encouraged the Working Group to entertain a daily Blackball hour period which excluded hard board devices but allowed flotation devices with swimmers/body surfers.
- Wedge Preservation Society: This group represented body surfers. They maintained that current resolution and municipal codes work effectively and provide safety for swimmers at the Wedge. They proposed no change to the current regulation. They agreed that the area from the Jetty to Lifeguard Tower P is too large and may be reduced to the main peak, excluding the area known as “Cylinders” and opening that area to all users.

ENVIRONMENTAL REVIEW:

Staff recommends the Commission find this action is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the PB&R Commission considers the item). All members of the public who signed in at the October 21, 2013 Blackball Working Group meeting were notified by email with a link to this staff report.

- Attachments:
- A. Summary of the History of the Blackball Policy in the City of Newport Beach
 - B. DRAFT Resolution No. 2014-__
 - C. Resolution No. 95-116

ATTACHMENT A

Summary of the History of the Blackball Policy in the City of Newport Beach

Blackball regulation in the City of Newport Beach commenced in May of 1966. Resolution No. 6347 created limitations from June 10 - September 15 each calendar year. During the restricted date range, three designated surf areas were established. All other areas were closed to surfing, and surfing areas were closed to swimmers.

- Area 1: 19th Street to 30th Street from 7:30 am to 11:00 am
- Area 2: 30th Street to the Westerly boundary of the City from 4:00 pm to sunset
- Area 3: 20ft- 200ft East of the East Jetty open from 6:00 am-12:00 pm (Monday through Friday), and 6:00 am to 10:00am and 6:00 pm –sunset (Holidays, Saturdays, and Sundays).

Subsequent Council Resolutions from 1967 through 1978 modify the zones, times, and created closure areas such as 40th – 44th streets.

On November 25, 1985 the Council approved Resolution No. 85-94 that prohibited the use of all flotation devices at the Wedge.

On March 13, 1989, Resolution No. 89-10 further modified blackball restriction in the area from 40th – 44th streets. At this time the Council voted to eliminate the 8:00 am to 6:00 pm time frame and close the area at all times from May 1st to October 31st. Also, the Wedge flotation device restriction was limited to summer months when the Wedge lifeguard tower was staffed and a blackball flag was displayed.

In 1993, the Council revisited the 1985 Wedge restrictions. Mayor Turner noted several in attendance at the May 10 meeting were present to address the Wedge issue. A letter and petition (112 signatures) was submitted to the Council by Roger Darnell and a second letter submitted by Bill Sharp (600 signatures) stating opposition to the 1985 Wedge restrictions, and advocating for board riding to continue during the periods when the blackball flag is not displayed. At this time, the *Wedge Preservation Society* and the *Balboa Peninsula Point Association* endorsed a proposal to completely limit all flotation devices from the West Jetty to “M” Street year round.

The outcome of the discussion in 1993 was clarification of the Wedge area to include the area from the West Jetty to the water in front of Tower P. In Resolution 93-33 (May 10, 1993) the Council also moved to restrict floatation devices from 10:00 am to 5:00 pm from May 1st to October 31st. The Resolution passed 4-2.

In 1995, Mayor Hedges referred the blackball issue to the Parks, Beaches & Recreation Commission to review. Mayor Hedges advocated a blackball program that would allow for more discretionary enforcement.

On August 1, 1995 the Parks, Beaches, & Recreation Commission held a meeting and to listen to requests from the Wedge Preservation Society and Newport Surf Council. The Commission unanimously approved a motion to meet with representatives from the surf industry, Marine Division, and the Commission “to formulate a compromise for the Commission’s final recommendation at their September 5 meeting.” (PB&R Meeting Minutes, August 1, 1995).

Between August 1 and September 4, 1995 the Blackball Revision Subcommittee met with various groups and received correspondence outlining various proposals and opinions regarding the blackball issue.

Correspondence included:

- On August 8, 1995 Bill Sharp and the Newport Surf Council advocated for areas open to mixed use (surfing and swimming).
- On August 24, 1995 the Lido Sands Community Association advocated to uphold the current policies on blackball.
- On September 4, 1995 the West Newport Beach Association advocated to uphold the current policies on blackball and a petition to “Keep blackball hours as they are” with 211 signatures from homeowners along Seashore and adjacent blocks
- Five letters from private citizens both in support and against blackball regulations

On August 22, 1995 the Blackball Revision Subcommittee held a meeting to review proposed costs of six potential proposals, liability information, and the Fire/Marine Department swimmer/surfer use survey.

On August 29, 1995 the Blackball Revision Subcommittee sent their recommendations to the Parks Beaches and Recreation Commission to amend Resolution 93-33 to three all-day surf and swim areas from 36th – 40th streets, 44th – 48th streets, and 52nd – 56th streets.

On October 9, 1995, the Community Services Director and Fire and Marine Director reported to the Council the findings of the Parks, Beaches and Recreation Commission. Several groups were involved in the 1995 discussion. The *Newport Surf Council* submitted a petition with 2,082 signatures that supported an end to Blackball regulation. The *Wedge Preservation Society* proposed extending blackball to 8:00am until 6:00 pm (set at 10:00 am to 5:00 pm in 1993) and modifying the dates in favor of a year-round blackball. In addition to the various groups, several individuals spoke at the meeting supporting both proposals. Congressman Dana Rohrabacher spoke in support of three all-day surf areas.

The Parks, Beaches & Recreation Commission recommended to Council three all-day surf and swim areas from 36th – 40th streets, 44th – 48th streets, and 52nd – 56th streets, and to extend the blackball time at the Wedge from 5:00 pm to 6:00 pm. The fiscal impact of the PB &R proposal was estimated at \$4458.00 (labor and signage) for the first year and \$2692.00 subsequent years. Several of the Council Members asked questions to the Marine Safety Director regarding enforcement, staffing, and how the discretionary policies would be implemented. A motion was made by Councilmember Glover to adopt the Parks, Beaches and Recreation Commission plan but keep the current policies at the Wedge. Councilmember Watt then motioned to amend the previous motion to extend the blackball time to 6:00 pm. The motion was carried and voted on, but the amendment did not pass.

In Council Resolution No. 95-116 sets times of blackball as generally between Noon to 4:00 pm at the discretion of the supervising Marine Safety Lieutenant.

ATTACHMENT B

DRAFT

RESOLUTION NO. 2014-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH DESIGNATING SURFING AREAS, ESTABLISHING DATES AND HOURS WHEN SURFING AREAS MAY BE USED, AND RESCINDING RESOLUTION NO. 95 -116.

WHEREAS, the City of Newport Beach is the grantee of tide and submerged lands, including ocean beaches, within the corporate limits of the City of Newport Beach; and

WHEREAS, members of the general public have certain constitutional and statutory rights relative to the use of, and access to, ocean beaches; and

WHEREAS, municipal regulation of the use of ocean beaches will promote the public health, safety and welfare by reducing the potential for conflict between various users such as hard board surfers and swimmers; and

WHEREAS, the City Council is authorized, pursuant to provisions of Newport Beach City Charter and the Newport Beach Municipal Code, to adopt reasonable regulations specifying the days of the years, and hours of the day when ocean beaches may be used for surfing, swimming, and other activities; and

WHEREAS, the City Council has considered public testimony from representatives of interest groups and users of ocean beaches, reports from city staff, as well as the record of the proceedings conducted by the Parks, Beaches, and Recreation Commission prior to adopting this Resolution; and

WHEREAS, the City finds and declares as follows:

- A. Restrictions on the use of ocean beaches specified in this Resolution are intended and designed to minimize any conflict between users and thereby reduce the potential for personal injury or property damage;
- B. These restrictions and regulations are consistent with the authority of the City Council to regulate the public's right to use and access ocean beaches; and
- C. These restrictions and regulations are the product of extensive review and analysis of the interests and desires of all potential users of ocean beaches, as well as homeowners and property owners who are impacted by members of the public who use ocean beaches. The regulations satisfy these often competing interests and desires to the maximum extent possible and represent fundamental policy decisions on the use of an important public resource.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1. Definitions.

(A) Surfboard. The term surfboard shall mean:

- (i) Any device which floats on or about the surface of the water, is more than forty-four (44) inches long, has a skeg or other device on the bottom to control direction, and is capable of being ridden by a person while standing; or
- (ii) Any device with a surface made or covered, in whole or in part, with any hard substance, including wood, metal, fiberglass, or hard plastic, which is used, or is capable of being used, on water or ocean beaches, including, without limitation, skim boards, knee boards, and belly boards.

(B) Floatation Device. The term floatation device shall mean any object other than a surfboard which is buoyant or adds to the buoyancy of the user (other than fins).

(C) Blackball Flag. The blackball flag is any flag or sign with a yellow background with a large black circle in the center which is posted by an employee of the City of Newport Beach.

(D) Wedge. Shall mean the area of ocean and ocean beaches beginning twenty (20) feet west of the West Harbor Jetty and extending northwesterly, parallel to the mean high tide line, six hundred (600) feet from the West Harbor Jetty.

(E) Surfing. Shall mean the use of any surfboard in or on the ocean or ocean beach.

Section 2. Surfing.

(A) Surfing Areas/ Surfing Permitted. Surfing is permitted in the following areas subject to the restrictions and regulations specified in Section 3 of this Resolution:

(i) Area No. 1: The area of ocean and ocean beaches between the west boundary of the City of Newport Beach and the West Harbor Jetty;

(ii) Area No. 2: The area of ocean and ocean beaches beginning twenty (20) feet east of the East Harbor jetty and extending southeasterly, parallel to the mean high tide line, two hundred (200) feet from the East Harbor Jetty;

(iii) Area No. 3: The area of ocean and ocean beaches which lies between a prolongation of Poppy Avenue and the prolongation of Cameo Shores Road, including, without limitation, the area known as Little Corona Beach.

Section 3. Surfing Restrictions and Regulations. Surfing is permitted in Areas No. 1, No. 2, and No. 3 subject to the following restrictions and regulations:

(A) At any time of the year in any location, the supervising Marine Safety Watch Commander, or designee, has the authority to blackball when the conditions in the water create a conflict between hard board surfers and other users.

(B) From Memorial Day Weekend to Labor Day of each year, surfing is prohibited in Areas No. 1, No. 2, or No. 3, or any portion thereof, whenever the blackball flag is displayed on the beach or on the closest lifeguard tower. With the exception of the areas identified in Section 5 of this resolution, the blackball flag shall generally be displayed from 11:00 a.m. to 4:00 p.m. during this period, unless, in the opinion of the supervising Marine Safety Watch Commander, or designee, the conditions in the water during that period do not create any significant potential for conflict between surfers and other users.

(C) Surfing is prohibited in the area between the midline of the rock groins located approximately on the prolongation of 40th Street and 44th Street from Memorial Day through Labor Day of each year.

Section 4. Special Restrictions. From Memorial Day through Labor Day of each year, no person shall use a floatation device at the Wedge whenever the blackball flag is displayed on the beach or on the closest lifeguard tower. The blackball flag shall generally be displayed from 11:00 a.m. to 4:00 p.m. during this period, unless, in the opinion of the

supervising Marine Safety Watch Commander, or designee, the conditions in the water during that period do not create any significant potential for conflict between persons using a floatation device and other users.

Section 5. General Non-Blackball Areas. Unless the supervising Marine Safety Watch Commander, or designee, determines that the conditions warrant the necessity to blackball, a blackball flag will ordinarily not be displayed at the following three locations which will generally be accessible to the public, including, but not limited to, swimmers, body boarders and surfers:

- (i) Orange Street to the boundary of the City of Newport Beach at the Santa Ana River;
- (ii) 48th street to 56th street; and
- (iii) The area of ocean and ocean beaches beginning twenty (20) feet east of the Balboa Pier and extending southeasterly, parallel to the mean high tide line, one hundred (100) feet from the Balboa Pier.

BE IT FURTHER RESOLVED that Resolution No. 95 -116 is hereby rescinded.

ADOPTED,.....

RESCIND

RESOLUTION NO. 95- 116
A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF NEWPORT BEACH DESIGNATING SURFING AREAS,
ESTABLISHING DATES AND HOURS WHEN SURFING
AREAS MAY BE USED, AND RESCINDING RESOLUTION
NO. 93-33.

WHEREAS, The City of Newport Beach is the grantee of tide and submerged lands, including ocean beaches, within the corporate limits of the City of Newport Beach; and

WHEREAS, Members of the general public have certain constitutional and statutory rights relative to the use of, and access to, ocean beaches; and

WHEREAS, Municipal regulation of the use of ocean beaches will promote the public health, safety and welfare by reducing the potential for conflict between various users such as surfers and swimmers; and

WHEREAS, The City Council is authorized, pursuant to provisions of Newport Beach City Charter and the Newport Beach Municipal Code, to adopt reasonable regulations specifying the days of the years, and hours of the day when ocean beaches may be used for surfing, swimming, and other activities; and

WHEREAS, The City Council has considered public testimony from representatives of interest groups and users of ocean beaches, reports from the Fire and Marine and Community Services Departments, as well as the record of the proceedings conducted by the Parks, Beaches, and Recreation Commission prior to adopting this Resolution; and

WHEREAS, The City finds and declares as follows:

- A. Restrictions on the use of ocean beaches specified in this Resolution are intended and designed to minimize any conflict between users and thereby reduce the potential for personal injury or property damage;
- B. These restrictions and regulations are consistent with the authority of the City Council to regulate the public's right to use and access ocean beaches.
- C. These restrictions and regulations are the product of extensive review and analysis of the interests and

desires of all potential users of ocean beaches, as well as homeowners and property owners who are impacted by members of the public who use ocean beaches; the regulations satisfy these often competing interests and desires to the maximum extent possible; and these restrictions and regulations represent fundamental policy decisions on the use of an important public resource.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1. Definitions.

(A) Surfboard. The term surfboard shall mean:

(i) Any device which floats on or about the surface of the water, is more than forty-four (44) inches long, has a skeg or other device on the bottom to control direction, and is capable of being ridden by a person while standing; or

(ii) Any device with a surface made or covered, in whole or in part, with any hard substance, including wood, metal, fiberglass, or hard plastic, which is used, or is capable of being used, on water or ocean beaches, including, without limitation, skim boards, knee boards, and belly boards.

(B) Floatation Device. The term floatation device shall mean any object other than a surfboard which is buoyant or adds to the buoyancy of the user (other than fins).

(C) Blackball Flag. The Blackball Flag is any flag or sign with a yellow background with a large black circle in the center which is posted by an employee of the City of Newport Beach.

(D) Wedge. Shall mean the area of water and ocean beach between the West Harbor Jetty and Lifeguard Tower P.

(E) Surfing. Shall mean the use of any surfboard in or on the ocean or ocean beach.

Section 2. Surfing.

(A) Surfing Areas/ Surfing Permitted. Surfing is permitted in the following areas subject to the restrictions and

regulations specified in Section 3 of this Resolution,

(i) Area No. 1 The area of ocean and ocean beaches between the area between the west boundary of the City of Newport Beach and the West Harbor Jetty;

(ii) Area No. 2 The area of ocean and ocean beaches between the area beginning 20 feet easterly of the East Harbor jetty and extending to a point 200 feet from the East Harbor Jetty;

(iii) Area No. 3 The area of ocean and ocean beaches between the area which lies between a prolongation of Poppy Avenue and the East boundary of the City of Newport Beach including, without limitation, the area known as Little Corona Beach.

Section 3. Surfing Restrictions and Regulations. Surfing is permitted in Areas No. 1, No. 2, and No. 3 subject to the following restrictions and regulations:

A. From June 15 to September 10 of each year, surfing is prohibited in Area No. 1, No. 2, or No. 3, or any portion thereof, whenever the blackball flag is displayed on the beach or on the closest lifeguard tower. The blackball flag shall generally be displayed from 12:00 noon to 4:00 p.m. during this period, unless, in the opinion of the supervising Marine Safety Lieutenant, the conditions in the water during that period do not create any significant potential for conflict between surfers and other users.

B. Surfing is prohibited at the Wedge between the hours of 10:00 a.m. and 5:00 p.m., from May 1st through October 31st of each year.

C. Surfing is prohibited in the area between the midline of the rock groins located approximately on the prolongation of 40th Street and 44th Street between May 1st through October 31st of each year. Surfing is permitted in this area from November 1st through April 30th.

D. Surfing is prohibited except in those places at and those times expressly permitted by this Resolution.

Section 4. Special Restrictions. No person shall use or possess any floatation device at the Wedge between the hours of 10:00 a.m. and 5:00 p.m., from May 1st through October 31st during each year.

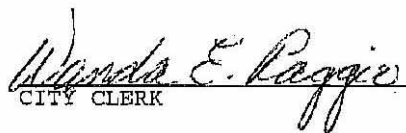
BE IT FURTHER RESOLVED that Resolution No. 93-33 is hereby rescinded.

ADOPTED, this 9th day of October, 1995.

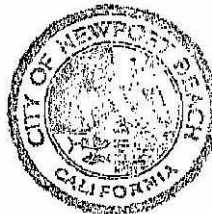


MAYOR

ATTEST:



CITY CLERK





== CITY OF ==

NEWPORT BEACH

PB&R Commission Staff Report

Agenda Item No. 6B
February 4, 2014

TO: Parks, Beaches & Recreation Commission

FROM: Municipal Operations Department
Mike Pisani, Acting Municipal Operations Director
949 644-3055, mpisani@newportbeachca.gov

TITLE: Special Tree Removal Request – Groves Bike Trail

RECOMMENDATION:

Staff recommends that the Parks, Beaches and Recreation (PB&R) Commission consider the removal of one (1) Special City Blue Gum Tree - Landmark Tree, on the Groves Bike Trail due to severe root decay and potential liability. The tree will be replaced with a Coast Live Oak tree.

DISCUSSION:

City Council Policy G-1, Retention or Removal of City Trees, Special City Trees, Landmark Trees, requires that the PB&R Commission approve the removal of a Special Tree (Attachment A).

At its December 2012 meeting, the Commission approved the removal of 54 trees along the bike trail. During the discussion, it was noted that additional trees could require removal and that staff would continue to evaluate trees along the trail. During the removals of the 54 trees in February 2013, the City's consulting arborist evaluated the remaining trees.

On March of 2013, staff met on site to identify and discuss the apparent evidence of severe root decay and potential liability in certain trees. The Urban Forester and the Parks and Trees Superintendent determined 13 trees were potential liabilities for tree failure. Consequently, staff strongly recommended the trees be removed to insure public safety and prevent property damage due to tree failure. The trees were removed in the summer of 2013 following PB&R Commission approval.

During an inspection on November 19, 2013, the Parks and Tree Superintendent and Urban Forester found sulfur fungus conks in the soil around a Eucalyptus globulus (Blue Gum) tree. This is evidence of root decay, as conks indicate internal decay and potential tree failure at the soil line or below ground.

As required by the City Council Policy G-1, several mitigating efforts have occurred over the years to prevent limb and tree failures, insect infestation, and promote the overall health of each tree. This has included annual pruning prior to the winter storms to prevent limb failure, application of insecticide to control psyllid infestation, and fertilization to improve the overall health.

Staff has attached the Tree Removal Report, photographs, and related information to support the request and potential liability (Attachment B). If the removal is approved, the replacement trees will be a Coast Live Oak tree (Attachment C).

Council Member Rush Hill and the surrounding property owners (Attachment D) have been notified and received a notice of the Commission meeting. In addition, the tree was posted for Committee discussion (Attachment E) on this meeting date.

Submitted by:



Mike Pisani, Acting Director
Municipal Operations Department

- Attachments:
- A. G-1, Retention or Removal of City Trees, pages 1-2
 - B. Tree Inspection Report and Tree Removal Review, including related photographs and information
 - C. Coast Live Oak tree photograph
 - D. Map (highlighting surrounding property owners notified)
 - E. Tree Poster

RETENTION OR REMOVAL OF CITY TREES

GOAL OF POLICY

To establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest with an inventory that the City can reasonably maintain in a healthy and non-hazardous condition. To require that in approving any tree removal or reforestation request the PB&R Commission shall find that the tree removal request will not adversely impact the overall inventory, diversity and age of the City's Urban Forest.

PURPOSE

The purpose of this policy is to establish definitive standards for the retention, removal, maintenance, reforestation, tree trimming standards, and supplemental trimming of City trees. City trees are an important part of the character and charm of the entire City and provide environmental benefits as well. Regular care, trimming, root pruning, maintenance, and programmed replacement are necessary to preserve this charm while at the same time protecting views consistent with Council Policy G-3 and preventing public and private property damage.

The City classifies public trees in one of three categories: Special Trees, Problem Trees, and All Other Trees.

SPECIAL CITY TREES

It is the City's policy to retain City trees categorized as Landmark, Dedicated, or Neighborhood trees, which have historical significance, and/or contribute to and give character to a location or to an entire neighborhood. Landmark, Dedicated, and Neighborhood trees are identified by species by Attachment 1, and shall hereinafter be referred to as Special Trees. Trees within these categories shall be identified, mapped, recorded and administered by staff for the Parks, Beaches & Recreation Commission ("Commission"). The Commission shall review the Special Tree list on an as needed basis and forward recommendations for additions or deletions to the City Council for approval.

Landmark Trees are identified as those individual Special Trees that possess historical significance by virtue of their size, age, location, or species.

Dedicated Trees are Special Trees donated for or in the memory of specific individuals or organizations.

Neighborhood Trees are Special Trees that by their unusual size, number, species, or location lend a special character to a residential, commercial, or business area.

Special Trees shall be retained, unless there are overriding problems, such as death, disease, or the creation of a hazardous situation, which require their removal. Prior to consideration for any removal of a Special Tree(s), the General Services Director, or designee, shall prepare a report identifying and implementing specific treatment to retain the tree(s). If specific treatment is unsuccessful or impractical in retaining a tree(s) then a full staff report shall be made to the Commission before any further action considering removal is taken. Prior to any removal of Special Tree(s), the City must comply with the noticing provisions of the Removal of City Trees section set forth in this Policy, unless a Special Tree is considered hazardous that necessitates an emergency removal. Any such removal must be recommended by the General Services Director and the Risk Manager and approved by the City Manager.

During normal sidewalk, curb, and street repair activity requiring root pruning, all steps shall be taken to retain Special Trees. If tree roots are to be pruned in association with sidewalk, curb, and gutter improvements, sufficient timing in advance must be planned to ensure that pruning will not destabilize or kill the tree. If both sides of a Special Tree's roots are to be pruned, one side should be pruned 6 months to a year in advance of the other side depending upon the species and other related factors. If root pruning methods are not practical and/or critical to the health of the tree, then alternate or special hardscape improvements should be considered by the City in order to retain the tree providing that costs are reasonable. All proposed root pruning or other tree treatment shall be assessed and approved by the Urban Forester.

Special Trees may be considered for removal in conjunction with a City Council approved beautification project utilizing the Removal of City Trees procedures noted in a subsequent section of the Policy.

PROBLEM TREES

A Problem Tree is defined as a tree that by virtue of its species causes excessive hardscape or utility damage due to its excessive root system. The following trees are defined as Problem Trees:



Municipal Operations Department

Received by: _____

November 19, 2013

TO: Municipal Operations Deputy Director

FROM: Parks and Trees Maintenance Superintendent and Urban Forester

SUBJECT: *Tree Removal Review – Potential Liability*

PROPERTY OWNER(S)	Name:	Parks and Trees Division
INFORMATION:	Tree	Groves Bike Trail
	Location:	

The City's Urban Forester is requesting removal of a City Blue Gum tree based on the criteria of the City Council Policy G-1, Removal of Special City Tree.

The tree is listed as a Special Tree, Neighborhood Tree under City Council Policy G-1. Need to forward to Parks, Beaches & Recreation Commission for approval.

Staff recommends removal of the City tree.

REPLACEMENT TREE: YES ☒ NO ☐

DESIGNATED TREE: Quercus agrifolia – Coast Live Oak

MUNICIPAL OPERATIONS DEPUTY DIRECTOR'S
COMMENTS/RECOMMENDATIONS:

If approved by PB&R Commission, remove tree

Signature: *[Signature]*

Date: 11-27-13

RISK MANAGER'S COMMENTS/RECOMMENDATIONS:

Agree w/ recommendation to the department

Signature: *[Signature]*

Date: 11/27/13

CITY MANAGER'S COMMENTS/RECOMMENDATIONS:

City
Manager: *[Signature]*

Date: 12/2/13

Attachments



Municipal Operations Department

TREE INSPECTION REPORT

Name: Parks and Trees Division

Tree Location: Groves Bike Trail / Park 48

Request: The City's Urban Forester is requesting removal of a City Blue Gum tree based on the criteria of the City Council Policy G-1, Removal of Special City Tree.

Tree Species: Eucalyptus globulus – Blue Gum

Designated Street Tree: Quercus agrifolia – Coast Live Oak

Estimated Tree Value: \$8,610.00

Damage: N/A

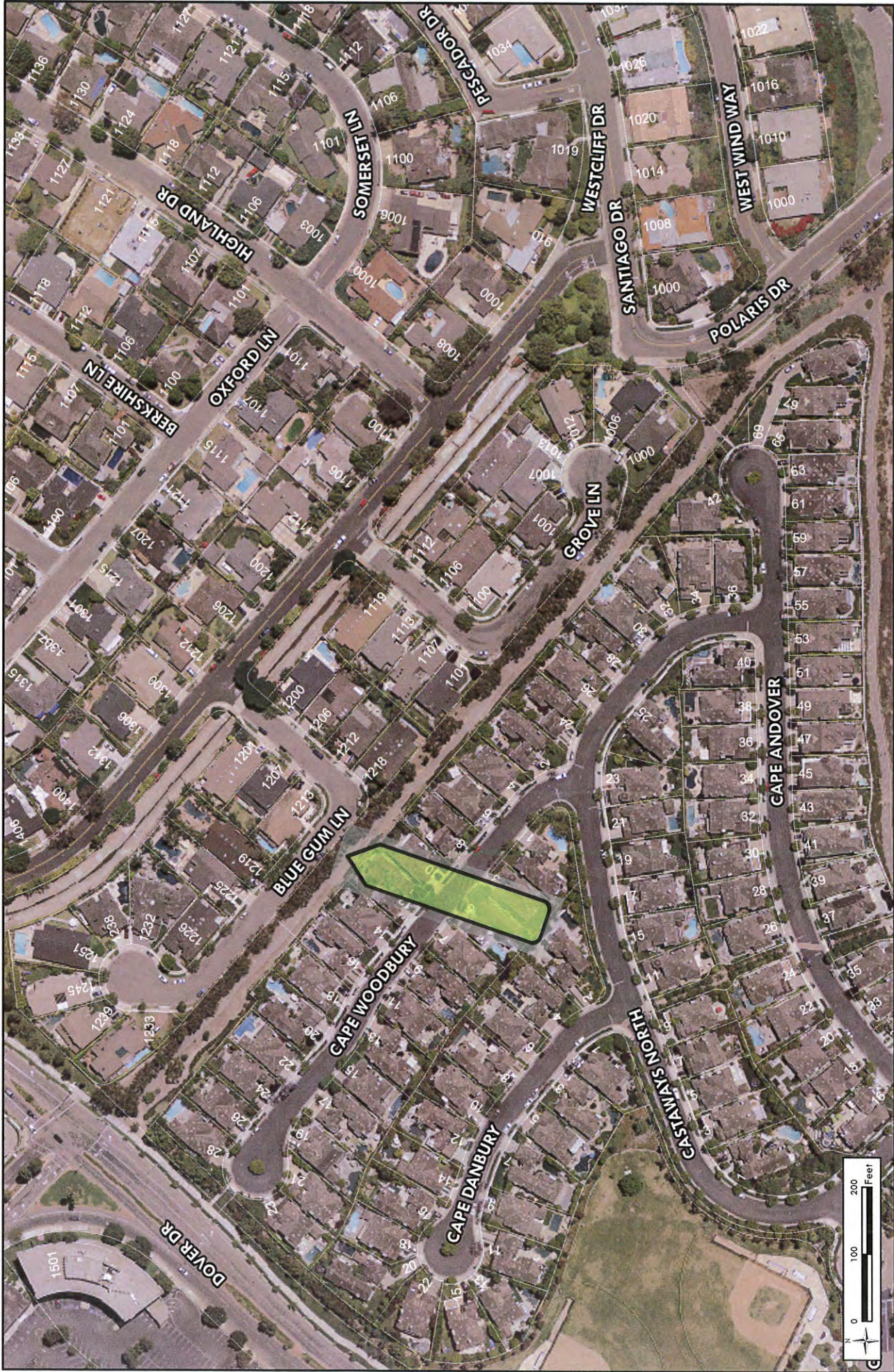
Parkway: Concrete Brick Turf (X) Other

Comments: A field inspection confirmed the decayed City Blue Gum tree.

Inspected by: John Conway **Date:** November 19, 2013
John Conway, Urban Forester

Recommendation: The tree is listed as a Special Tree, Neighborhood Tree under City Council Policy G-1. Need to forward to Parks, Beaches & Recreation Commission for approval.

Reviewed by: Dan P. Sereno **Date:** November 19, 2013
Dan P. Sereno, Parks and Trees Superintendent



City of Newport Beach
GIS Division
November 07, 2013

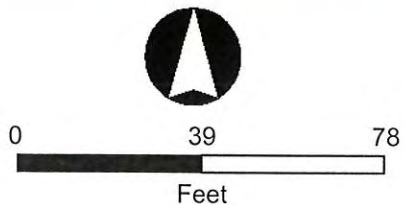
Groves Bike Trail



Decayed tree



Newport
Beach
GIS



Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2012 photos provided by Eagle Imaging www.eagleaerial.com

11/19/2013

Show/Hide Map

Print Report

Inventory Detail

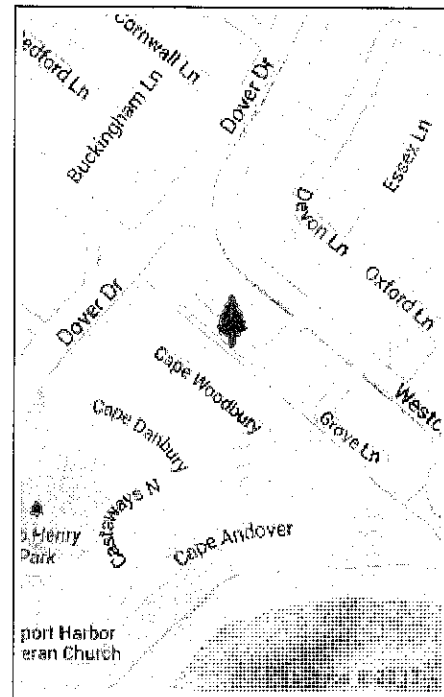
Dist: 16
 Address: 2 GROVES BIKE TRAIL
 Fictitious: Yes
 Location: Park-48
 On Address: 2 GROVES BIKE TRAIL
 Species: *Eucalyptus globulus*, BLUE GUM
 DBH/Height: 31+ / 45-60
 Parkway Size: 99
 Utility Overhead: No
 Sidewalk Damage: No
 Recommended Maintenance: Grid Trim
 Estimated Value: \$8,610

WCA Work History

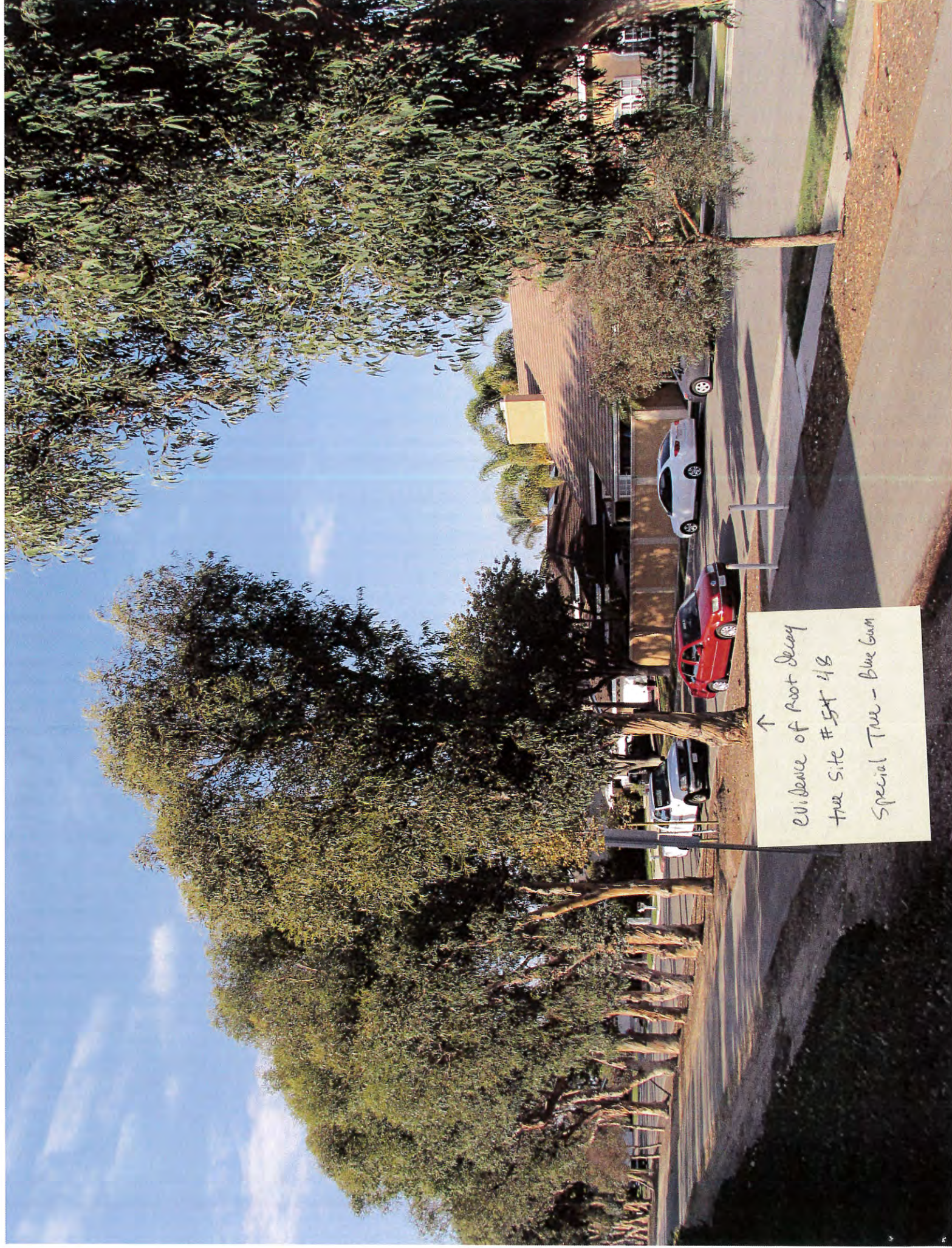
Date	Work Type	Amount	Job#
4/19/2011	Grid Pruning	\$39.00	16789
2/11/2010	Grid Pruning	\$39.00	14397
4/9/2008	Grid Pruning	\$39.00	11060
6/28/2007	Grid Pruning	\$39.00	9762
8/24/2005	Grid Pruning	\$39.00	8474

Other Work History

Date	Work Type	Crew	Acct#	Min
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↑
evidence of Root Decay
tree Site #54 48
Special Tree - Blue Gum

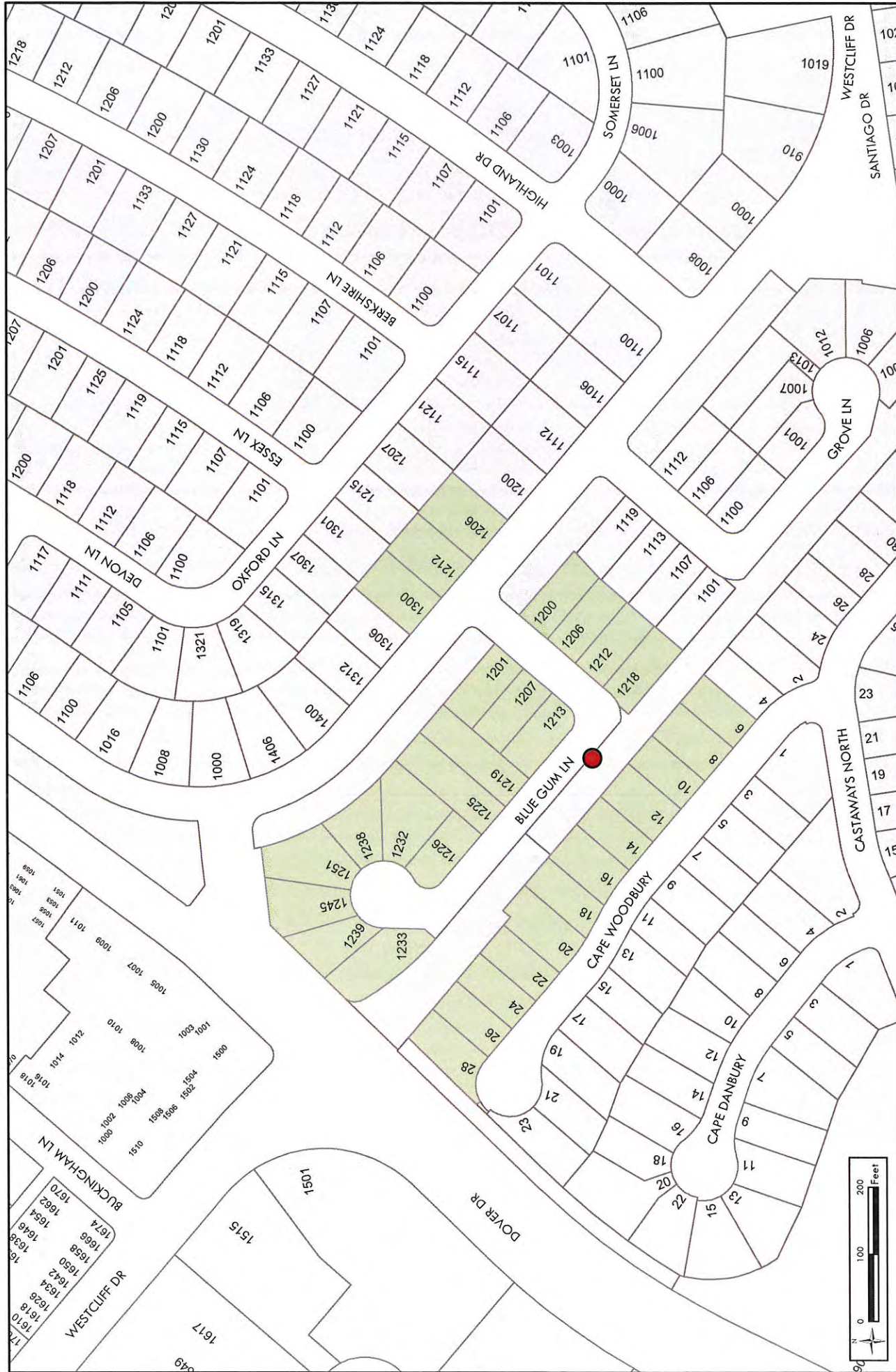












City of Newport Beach
GIS Division
November 15, 2013

Tree Removal Site



Notified Properties



Groves Bike Trail



CITY OF NEWPORT BEACH

**THE PARKS, BEACHES AND RECREATION COMMISSION
WILL CONSIDER A REQUEST FOR
THE REMOVAL OF THIS TREE**



**AT THE February 4, 2014 (6:00PM) MEETING
AT THE CIVIC CENTER
COUNCIL CHAMBERS
100 CIVIC CENTER DRIVE
NEWPORT BEACH CA 92660**

CITY STAFF RECOMMENDS THE REMOVAL OF THE TREE.

**FOR ANY QUESTIONS PLEASE CALL
THE MUNICIPAL OPERATIONS DEPARTMENT
AT (949) 644-3055**

CITY OF NEWPORT BEACH

**THE PARKS, BEACHES AND RECREATION COMMISSION
WILL CONSIDER A REQUEST FOR
THE REMOVAL OF THIS TREE**



**AT THE February 4, 2014 (6:00PM) MEETING
AT THE CIVIC CENTER
COUNCIL CHAMBERS
100 CIVIC CENTER DRIVE
NEWPORT BEACH CA 92660**

CITY STAFF RECOMMENDS THE REMOVAL OF THE TREE.

**FOR ANY QUESTIONS PLEASE CALL
THE MUNICIPAL OPERATIONS DEPARTMENT
AT (949) 644-3055**



== CITY OF ==

NEWPORT BEACH

PB&R Commission Staff Report

Agenda Item No. 6C
February 4, 2014

TO: Parks, Beaches & Recreation Commission

FROM: Municipal Operations Department
Mike Pisani, Acting Municipal Operations Director
949 644-3055, mpisani@newportbeachca.gov

TITLE: Bench Donation Request – Grant Howald Passive Park

RECOMMENDATION:

Staff recommends that the Parks, Beaches and Recreation Commission consider a bench donation request at Grant Howald Passive Park for Willard and Gayle Courtney.

DISCUSSION:

City Council Policy B-17 establishes criteria for parks, facilities, and recreation program donations within the City. The policy is structured to establish a fair and uniform procedure for making gifts to the City, and to make the donation process easier for staff and donors.

The City has received a donation request from Ken Schwarz (Attachment A) to donate a bench at the Grant Howald Passive Park (Attachment B). The donated bench will be a Santa Monica Model Bench, and the cost of the donation will include the 10% maintenance fee required by Council Policy B-17. The donation request and proposed bench location were approved by the Acting Municipal Operations Director.

Since the value of the bench is greater than \$1,000, the donation is eligible to receive a dedicatory plaque. The submitted plaque verbiage, which complies with City Council Policy B-17, is "Donated for Willard & Gayle Courtney".

NOTICING:

Mr. Schwarz and Council Member Nancy Gardner have received a copy of this report and a notice of the Commission meeting. Surrounding residents were notified of the Commission Meeting via postcard (Attachment C).

Submitted by:

A handwritten signature in black ink, appearing to read 'Mike Pisani', written over a horizontal line.

Mike Pisani, Acting Director
Municipal Operations Department

- Attachments:
- A. Bench Donation Application and bench photo
 - B. Location map and photos
 - C. Map (highlighting surrounding residents notified)



Gifts for Tomorrow Order Request Form

Item #	Description
100 -	PARK BENCH +
	CEMENT BASE

Contact Information

Ken Schwartz
Name

3600 Surfview Lane
Mailing Address

Corona del Mar, CA

(949) 500-1324 92625
Phone

[Signature]
Signature

DEDICATION PLAQUE INFO

Donors may elect to provide a dedicatory plaque if the value of the donation is greater than \$1,000. Contact city staff for more information.

☒ Yes, I am interested in dedicatory plaque for my donation.

Plaque is donated for,
Willard & Gayle COURTNEY
First Name Last Name



Santa Monica Model Bench



Newport
Beach
GIS



0 40 80
Feet

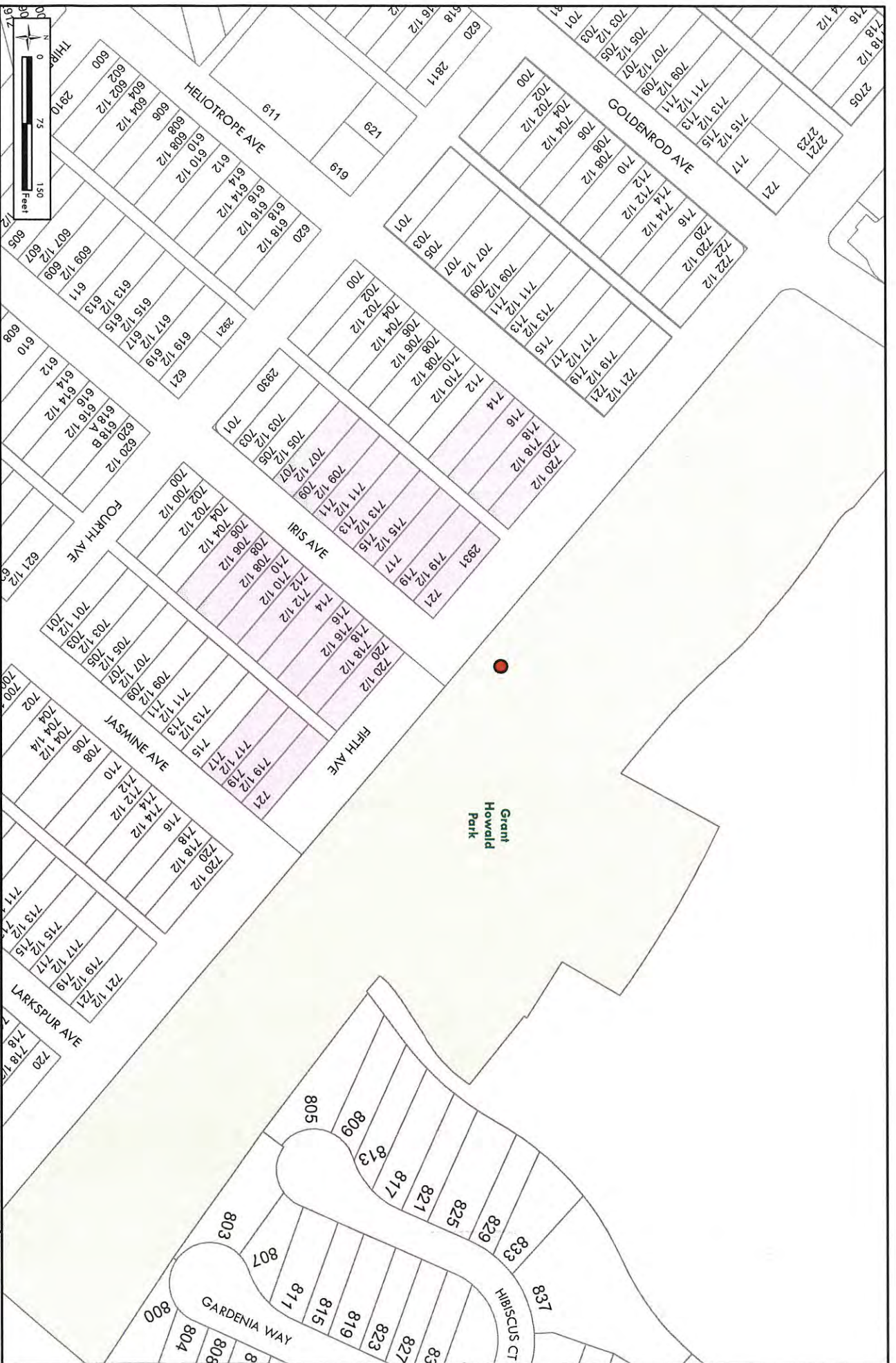
Disclaimer: Every reasonable effort has been made to ensure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2008-2012 photos provided by Eagle Imaging www.eagleimaging.com

10/20/14



Park Amenities Donation Site



Grant Howald Passive Park

Properties Notified
Point of Origin



City of Newport Beach
GIS Division
January 16, 2014



== CITY OF ==

NEWPORT BEACH

PB&R Commission Staff Report

Agenda Item No. 6D
February 4, 2014

TO: Parks, Beaches & Recreation Commission

FROM: Municipal Operations Department
Mike Pisani, Acting Municipal Operations Director
949 644-3055, mpisani@newportbeachca.gov

TITLE: Denial of Tree Removal Request – 2113 Seville Avenue

RECOMMENDATION:

Staff recommends that the Parks, Beaches and Recreation (PB&R) Commission deny the request of Ms. Ann Kenowsky for removal of a City tree at 2113 Seville Avenue.

DISCUSSION:

In September 2013, Mr. Bob Yant (on behalf of Ms. Kenowsky) contacted City staff with a request to remove a City Southern Magnolia tree at 2113 Seville Avenue due to excessive debris. At that time, staff also provided a packet of information regarding the reforestation process, which was never returned.

Shortly thereafter, on October 10, 2013, staff inspected the City Southern Magnolia tree in front of 2113 Seville Avenue and determined the tree does not meet the criteria for removal as stated in the City Council Policy G-1, Retention or Removal of City trees (Attachment A). The tree is healthy, and "excessive debris" is not a justification for tree removal given in the G-1 Policy.

Staff has attached the Tree Removal Report, photographs, and related information (Attachment B). Staff responded to Ms. Kenowsky on November 21, 2013, and following staff's denial of the removal, Mr. Yant requested an appeal of the decision to the Commission.

Council Member Michael Henn, adjacent property owners, and Ms. Kenowsky have been notified of the Commission meeting.

Submitted by:

Mike Pisani, Acting Director
Municipal Operations Department

- Attachments:
- A. G-1, Retention or Removal of City Trees, pages 4-5
 - B. Tree Inspection Report and Tree Removal Review, including related photographs and information

proposed, if applicable, of the intent to remove a Problem Tree. The decision by the City Manager to remove a problem tree is final unless called up by at least one Councilperson. The Urban Forester shall report the removal of Problem Trees on a monthly basis to the Commission. The cost to remove and replace Problem Trees will be the sole responsibility of the City based on availability of funding, with the exception of Category C (view), which is the sole responsibility of the applicant.

ALL OTHER CITY TREES

A City tree which is not designated as a Special or Problem Tree is designated as an All Other Tree. It is the City's policy to retain All Other Trees unless removal is necessary for one of the following reasons:

- A. The City tree has had a repeated history of damaging public or private sewers, water mains, roadways, sidewalks, curbs, walls, fences, underground utilities, or foundations based on City records or other competent and reliable authority. Water or sewer stoppage that results from tree roots and causes significant public or private property damage (greater than \$500) shall be sufficient criterion for tree removal.
- B. The City tree has had a repeated history - of significant interference with street or sidewalk drainage.
- C. The City tree is dead, diseased, dying, or hazardous, and presents a liability to the City. A dead tree is one that has been assessed by the Urban Forester and found to have deceased. Diseased trees are defined as those trees that cannot be cured by current arboricultural methods, are in an advanced state of decline, and have no prospect of recovery. Dying trees are those that have no prospect of recovery. Hazardous trees are defined as those that are defective, have a potential to fail, and would cause damage to persons and property upon failure. The Urban Forester will perform a hazard assessment whenever a tree is identified as hazardous. The assessment will identify: structural defects of the tree, parts of the tree most likely to fail, targets where imminent personal injury or property damage may result with tree failure, and procedures or actions necessary to abate the hazard. After assessment, the Urban Forester will expeditiously convey his written findings and recommendations to the Risk Manager for evaluation. If the Risk Manager agrees with the Urban Forester findings to remove a tree, the hazardous tree will be removed without further delay. In the case of imminent tree failure, the Parks and Trees Maintenance

Superintendent or the Urban Forester shall have the authority to direct the removal of a hazardous tree.

- D. The tree(s) have been requested to be removed in conjunction with a City Council-approved City, commercial, neighborhood, or community association beautification program.
- E. The City Manager, upon the advice of the General Services Director, City Attorney, Risk Manager or the Traffic Engineer, shall have the authority to remove individual Problem or All Other Trees to resolve claims or safety issues.

REMOVAL OF CITY TREES

The initiation to remove (Special or All Other) City tree(s) may be made by the staff of the General Services, and/or Public Works Departments, a legally established community association, or a private property owner by making application to the General Services Director, utilizing the City tree removal form. The provisions and procedures of this Section of the Policy do not apply to the Problem Tree nor Reforestation tree removal processes, which are described in other sections of this Policy. Special Trees may be considered for removal under the provisions of this Section provided a special report by the General Services Director is provided to the Commission detailing the necessity of removal and any specific previous treatment of the tree.

After receipt of the application, a Tree Inspection Report shall be prepared by the City's Urban Forester (Attachment 2) to determine if the tree(s) meets the criteria outlined in the above All Other City Trees section for consideration for removal. Simultaneously, the Urban Forester shall provide a notice of the proposed tree removal to the adjacent property owner (if not the applicant), the private property owners immediately adjacent to the applicant's property, and the appropriate community association if applicable, (not applicable to the emergency removal of hazardous trees under Item C nor to trees that meet the criteria of Item E in the preceding All Other City Trees section). The Urban Forester shall determine whether in his/her judgment additional specific treatment can be initiated to retain the tree provided the costs are reasonable. If a tree(s) is to be removed, the tree(s) will be posted at least 30 days prior to the removal with a sign notifying the public that they have the right of appeal. The sign shall also note a staff contact. Once a recommendation is made by the Urban Forester and the Parks and Trees Maintenance Superintendent to the General Services Director and the General Services Director or designee concurs, then the applicant, the adjoining owners,



Municipal Operations Department

October 10, 2013

TO: Deputy Operations Department Director

FROM: Parks and Trees Superintendent and Urban Forester

SUBJECT: *Tree Removal Request*

PROPERTY OWNER(S) INFORMATION: Name: **Ann Kenowsky**
Tree Location: **2113 Seville Avenue / Front 1**

The property owner requests removal of a City Southern Magnolia tree due to excess debris.

A field inspection determined the tree is currently not hazardous and in good health.

There is no evidence of a potential hazard or liability in accordance with the removal criteria of Policy G-1.

Staff recommends denying the removal of the City tree.

REPLACEMENT TREE: YES ☐ NO ☒
DESIGNATED TREE: **N/A**

DEPUTY OPERATIONS DIRECTOR'S COMMENTS/RECOMMENDATIONS:

Retain tree. no evidence of hazard/liability.
Signature: [Signature] Date: 10.18.13

RISK MANAGER'S COMMENTS/RECOMMENDATIONS: *Risk Mgmt concerns with retaining the tree.*

Signature: [Signature] Date: 10/29/13

CITY MANAGER'S COMMENTS/RECOMMENDATIONS:

OK
City Manager: [Signature] Date: 11/15/13

Attachments



Municipal Operations Department

TREE INSPECTION REPORT

Property Owner: Ann Kenowsky
2113 Seville Avenue
Newport Beach, CA 92661

Tree Location: 2113 Seville Avenue / Front 1

Request: The property owner requests the removal of a City Southern Magnolia tree due to concern for excess debris.

Tree Species: Magnolia grandiflora – Southern Magnolia

Designated Street Tree: Tristania laurina – Tristania Laurina

Estimated Tree Value: \$4,890.00

Damage: N/A

Parkway: Concrete Brick Turf (X) Other

Comments: A field inspection determined the tree is currently not hazardous and in good health.

There is no evidence of a potential hazard or liability in accordance with the removal criteria of Policy G-1. The City Southern Magnolia tree should be retained.

Inspected by: John Conway **Date:** October 10, 2013
John Conway, Urban Forester

Recommendation: Deny removal of the City tree.

Reviewed by: Dan P. Sereno **Date:** October 10, 2013
Dan P. Sereno, Parks and Trees Superintendent



Show/Hide Map

Print Report

Inventory Detail

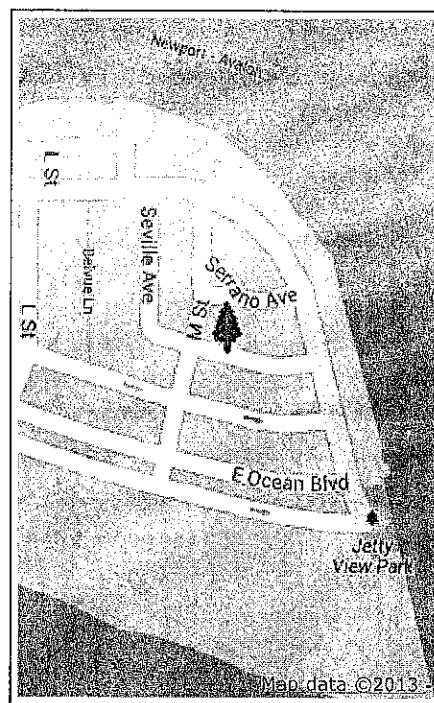
Dist: 17
 Address: 2113 SEVILLE AV
 Fictitious: No
 Location: Front-1
 On Address: 2113 SEVILLE AV
 Species: *Magnolia grandiflora*, SOUTHERN MAGNOLIA
 DBH/Height: 13-18 / 15-30
 Parkway Size: 3
 Utility Overhead: No
 Sidewalk Damage: No
 Recommended Maintenance: Grid Trim
 Estimated Value \$4,890

WCA Work History

Date	Work Type	Amount	Job#
10/29/2008	Grid Pruning	\$39.00	12665
7/24/2006	Grid Pruning	\$39.00	9762
8/31/2003	Grid Trimming	\$39.00	6071

Other Work History

Date	Work Type	Crew	Acct#	Min
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NO REASONS FOR REMOVAL.

9-17-13

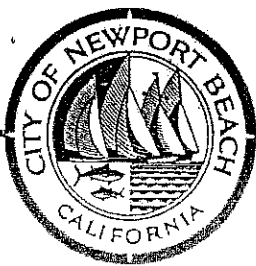
R

Bob Yant 673-8474

Replace mags with palms.

9-4-13

Don → concave ops Disagreement?



CITY OF NEWPORT BEACH

MUNICIPAL OPERATIONS DEPARTMENT

November 21, 2013

Ann Kenowsky
2113 Seville Avenue
Newport Beach, CA 92661

Dear Ms. Kenowsky,

On October 10, 2013, the City's Urban Forester inspected a City Southern Magnolia tree adjacent to 2113 Seville Avenue and determined the tree does not meet the criteria for removal as stated in the City Council Policy G-1, Retention or Removal of City Trees. The tree should be retained.

Specifically, your removal request did not meet the requirements listed under the removal criteria of Council Policy G-1, All Other City Trees, Page 4, Items A-C (see attached). According to these sections of the policy, tree(s) must have a "repeated history of damaging public or private sewers, sidewalks, curbs, from tree roots and causes significant documented private property damage (greater than \$500)", or is "dead, diseased, dying, or hazardous, and presents a liability to the City," in order to be eligible for removal.

If you oppose the determination to retain the tree, you may appeal the decision to the Parks, Beaches, and Recreation Commission for further review.

It is important to emphasize that under no circumstances are City trees to be removed without City authorization. If an unauthorized tree removal should occur, the City will review all its enforcement options, including criminal prosecution and civil restitution for the value of the trees removed, which may be up to three times their value.

If you have any questions regarding this letter or for further direction regarding the appeal process, please contact John Conway, Urban Forester at (949) 644-3083 or email jconway@newportbeachca.gov.

Sincerely,

Mike Pisani, Deputy Director
Municipal Operations Department

Attachment: (A) City Council Policy G-1, Retention or Removal of City Trees, pages 4 and 5



== CITY OF ==

NEWPORT BEACH

PB&R Commission Staff Report

Agenda Item No. 6E
February 4, 2014

TO: Parks, Beaches & Recreation Commission

FROM: Recreation Department
Laura Detweiler, Rec & Sr Service Director
949-644-3157, LDetweiler@newportbeachca.gov

PREPARED BY: Janet Cates, Recreation Manager

TITLE: Request by Newport Beach Elite Baseball for Temporary Lights in the Coastal Peak Park Batting Cages

RECOMMENDATION:

Approve request from Newport Beach Elite Baseball (Attachment A) for temporary lights in the batting cages at Coastal Peak Park for spring 2014 season from February 17 – March 9 (3 weeks) and for fall 2014 season from November 2 – December 12 (6 weeks) from dusk to 6:00pm, weekdays only (Allocation of a Coastal Peak field to Newport Beach Elite in fall 2014 is contingent upon the Field Allocation Policy procedures).

FUNDING REQUIREMENTS:

No City funding required. All costs associated will be the responsibility of Newport Beach Elite Baseball.

DISCUSSION:

Newport Beach Elite Baseball is allocated and utilizes one unlit Coastal Peak baseball field and the adjacent batting cages throughout the year. Lack of lighting during the short winter daylight afternoons reduces the available time to practice. Newport Beach Elite Baseball is proposing to utilize small temporary portable lights in the Coastal Peak batting cages from dusk to 6:00pm in order to extend players' batting practice time. The batting cages are located near the rear retaining wall of the park which is 30-40 feet tall (Attachments B and C).

Newport Beach Elite is proposing to place two or three lights in each of the two batting cages with a maximum of five lights. The lights selected include a Husky dual caged light standard (1,400 watts), two HVD dual caged lights (1,000 watts each), and two HVD single caged lights (500 watts each) (Attachment D). These lights are designed to illuminate close areas, and as the majority of the lights will be aimed downward, the spillover beyond the batting cages is anticipated to be minimal. The lights will be removed and stored nightly after use.

Newport Beach Elite has tested the proposed portable lights in the cages and states that due to the height of the wall, the lights do not appear to be visible to the homes overlooking the park. Newport Beach Elite also states that the lights are faintly visible from the parking lot and appear as a dim glow from East Coastal Peak Road.

BACKGROUND

The Filmworks Institute, dba Newport Beach Elite Baseball, is a 501(c) non-profit organization that serves the children of Newport Beach and is a Club team. Players are selected based on skill level, and the group provides year-round professional baseball coaching and training to its participants. The organization is a year old and currently has a membership of 18 13-14 year old children, all of whom are Newport Beach residents. The organization expects to compete at Cooperstown next summer.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Parks, Beaches & Recreation Commission considers the item). All residents within 300' of Coastal Peak Park were noticed.

- Attachments:
- A. Letter from Newport Beach Elite Baseball dated 1/1/14
 - B. Coastal Peak aerial view with location of batting cages
 - C. Photo of location of batting cages
 - D. Photo of proposed lights

NEWPORT BEACH ELITE BASEBALL

January 1, 2014

Mr. Sean Levin
Recreation Superintendent
City of Newport Beach

Dear Mr. Levin,

Please accept this letter as a formal request by Newport Beach Elite Baseball for the use of temporary lighting at the batting cages at Coastal Peak Park in the City of Newport Beach.

The Filmworks Institute dba Newport Beach Elite Baseball is a 501(c) non-profit organization that serves the children of Newport Beach. Every one of our students since our inception has been a Newport Beach resident. We provide year round professional baseball coaching and training to the community. The positive effect of our program within the Newport Beach community is to develop the level of skill and knowledge necessary for our youth participants to reach the next level of playing high school baseball.

The conditions we propose in our request are as follows:

- Light Fixtures – low wattage designed for lighting small areas.
- Location – all lights are aimed inside the caged and netted area and the light dissipates quickly outside the cages.
- Hours of Operation – Spring Season 2014: from dusk to 6 pm. From opening day on February 17th to the start of Daylight Savings Time on March 9 (approximately 3 weeks for the Fall Season: 2014 from dusk to 6 pm from the end of Daylight Savings Time on November 2 to the end of the Fall Season on December 12th (approximately 6 weeks) on weekdays.
- Storage and Safety – During non-operational hours the portable lighting with be kept in the shed at Coastal Peak that has been provided by the City of Newport Beach to Elite Baseball for use in storage of equipment. The shed will be locked and secured.

2014 will be Elite's second year at Coastal Peak Park with no complaints of our use of the field. Elite is a good steward of Coast Peak field # 2 as we have invested several thousand dollars to improve the infield and the batting cages. Elite players, general manager and coach are respectful and courteous to the Park Patrol and local residents. The lights and the batting cages are located near the rear retaining wall of the park which appears to be 30 to 40 feet high and from my observations while testing the lights, they do not appear to be visible to or affect any of the homes that overlook the park. The lights are barely visible to the parking lot and from the road

23 Corporate Plaza, Ste 150
Newport Beach, CA 92660

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the lighting in the batting cages can be seen but as a dim glow in contrast in contrast to the bright lighting needed to light a field. The ideal lighting for a batting cage is only 50 candles. The interior dimensions of the Coastal Peak batting cages are approximately 18 feet wide by 60 feet long. The majority of the lighting is aimed in a downward arc which further dissipates the light as it travels outside the netted boundaries of the cage. These lights are designed to illuminate close areas not large areas as field lighting does.

The following portable lights have been purchased (picture attached):

1. Huffy dual caged lights	Watts:	1,400
2. HVD dual caged lights	Watts:	1,000
3. HVD dual caged lights	Watts:	1,000
4. HVD single caged light	Watts:	500
5. HVD single caged light	Watts:	500

Thank you for your consideration.

Sincerely,



Rick Russell
President

CC: Janet Cates, Justin Schmillen

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Newport Beach, CA 92660



CoastalPeak_BattingCages.mxd

Coastal Peak Park - Batting Cage Location



City of Newport Beach
GIS Division
January 09, 2014



ATTACHMENT D

